







AN  
EXPOSITION  
OF  
THE STATE  
OF THE  
MEDICAL PROFESSION  
IN THE  
**British Dominions;**  
AND OF THE INJURIOUS EFFECTS OF THE MONOPOLY,  
BY USURPATION, OF  
THE ROYAL COLLEGE OF PHYSICIANS  
IN LONDON.

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“ All men possessed of uncontrolled discretionary power, leading to the aggrandisement and profit of their own body, have always abused it; and we see no particular sanctity in our own times, that is at all likely, by a miraculous intervention, to overrule the course of nature.” — BURKE.

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LONDON:  
PUBLISHED BY  
LONGMAN, REES, ORME, BROWN, AND GREEN,  
PATERNOSTER ROW.  
M.DCCC.XXVI.



LONDON:  
PRINTED BY J. MOYES, BOUVERIE STREET.

TO THE  
**RIGHT HON. ROBERT PEEL,**

PRINCIPAL SECRETARY OF STATE FOR THE HOME  
DEPARTMENT,

*Whose authority as a MINISTER OF THE CROWN,  
and enlightened views as a LEGISLATOR, afford  
sure guarantees for the investigation and cor-  
rection of abuses ;*

THIS EXPOSITION

*of grievances, which, for the advantage, real or  
imaginary, of a very few individuals, have, for  
centuries, deeply and extensively affected the welfare  
of the Public, the interests of the Medical Pro-  
fession, the progress of Medical Science, and the  
rights of the Universities,*

IS MOST RESPECTFULLY INSCRIBED.



AN  
EXPOSITION  
OF THE  
STATE OF THE MEDICAL PROFESSION, &c.

IN order that the community may derive the greatest sum of good from the exercise of any profession, it is essential that the number of its members should, like commodities in commerce, be limited only by the demand. Where there are artificial limitations, there cannot be complete emulation and unrestrained competition, and the public service must consequently suffer. The importance of this principle is acknowledged, as it regards the most ordinary concerns of trade ; and the present administration of this country have deservedly obtained much credit for its application, extensively to the affairs of commerce. But if its application in respect to common commodities be essentially conducive to public prosperity, is it not also indispensable to that condition without which prosperity cannot be enjoyed, that, in respect to the supply of medical assistance, there should

be an entire freedom of competition among physicians, and of choice among the public ; in other words, that there should be no monopoly in that department under which is placed the superintendence of health and life? Yet, surprising, and scarcely credible as it may at first sight appear, it is nevertheless a fact, that the inhabitants of the British dominions have not, and for three centuries have not had, a supply of medical assistance, *of the proper kind, in the proportion of one-fifth of the ordinary demand, or of what it usually is in other countries.*

Respecting the pernicious operation of exclusive privileges in general, so clear have the conceptions of the age become, that those who possess them begin to perceive that they are, in many respects, disadvantageous even to themselves ; and a recent instance is not wanting in this country of an incorporation voluntarily surrendering its charter, with its considerable funds, upon principles of public utility, to the source from which it had been derived. Upon the memorable occasion to which we here allude, the noble and accomplished governor of the Levant Company, Lord Grenville, pronounced a discourse worthy of his enlightened and benevolent mind, on the great benefits to be derived from an entire freedom of commerce, the following extract

from which, *mutatis mutandis*, will be found to be especially applicable to the subject of this Exposition:—"To the glory of the discovery (that of the rights and the advantages of unrestrained trade), to the merit of its first promulgation and establishment, we have now added the still higher praise of its general reception, its just and enlightened application. During a long and laborious public service, it has been my happiness repeatedly to concur both in the preparation and in the adoption of detached but considerable experiments, in which these principles were practically and successfully exemplified. But I esteem myself fortunate indeed, to have lived to see the time when our sovereign and his parliament have now, first among all the legislatures of the world, sanctioned them by a definitive and solemn recognition. They are no longer unprofitable and barren speculations—the visions of theorists dreaming in their closets of public happiness and public justice never to be realised; they are the rules by which the British legislature has pledged itself from this time forth to administer all the unmeasurable interests committed to its charge; they are the foundations on which is henceforward to be rested the whole commercial prosperity of the greatest commercial empire

which the sun has ever yet enlightened.”\* In conformity with these views, the Levant Company, last year, voluntarily surrendered their charter into the hands of his majesty’s ministers. Besides the singularity of the occasion, the speech, from which we have made the above extract, possesses a further and peculiar interest if it be regarded as the political testament, on retiring from public affairs, of a nobleman who, during a long and troublous period, was a principal ornament of the British senate and administration.

And are not the principles here so eloquently eulogised as applicable to the affairs of medicine as they are to those of commerce? and have we not a right to expect as much liberality of conduct from physicians as from merchants? Our present theme is the singular monopoly of the College of Physicians in London. Considering the reputed intellectual endowments of the president and fellows of that learned body, we should hardly be justified in not confidently anticipating that deeply impressed with the injurious consequences, to the public, to science, to the faculty, and to the universities, of those restrictive laws which constitute the rule of

\* An Account of the Levant Company, &c. 1825. pp. 62-3.

their conduct, and resolved to free themselves from the disgraceful trammels which thus fetter their minds as well as their actions, they will hasten to imitate the laudable example set by the Levant Company, of voluntarily surrendering their charter into the hands of his majesty's ministers, the more especially as the pecuniary sacrifice cannot be great, numerous fines having long ceased to replenish their coffers. But in the event that, contrary to expectation, they should be found not to possess the liberality which we are so anxious to attribute to them, or that their discernment and discretion are not sufficient to induce them to adopt a measure, which would in reality be an act of sound discretion, since the adventitious support of a monopoly cannot be supposed to be necessary to the prosperity of men of such reputed professional competency as the fellows of the College of Physicians, it will be proper and expedient that the nature and operation of the laws by which they are governed should be thoroughly investigated, in order that, if found to be mischievous, as is generally believed, they should be opposed by the independent part of the faculty and by the public, until the legislature shall have a fit opportunity of examining and amending the acts, generally, which relate to the government of the medical profession.



With such views, it is proposed, in this Exposition, to examine, the effects, on the public, on science, on the faculty, and on the universities, of the organisation which has obtained in the various branches of the medical profession throughout the empire, but more especially in this metropolis: and, in order to establish precise *data* for our inferences, we shall begin by stating what that organisation actually is, and how it has arisen.

According to printed official lists, there are this year (1825), forty-five fellows, two candidates, three inceptor candidates, and 124 licentiates, who practise in London and seven miles round; in all 174 physicians, to supply 1,200,000\* inhabitants with medical assistance, or one to every 7000!

Upon similar authority it appears,\* that, of about 5,650 members of the College of Surgeons, in London, in 1825, upwards of 800, or one in seven, practise in the metropolis. To this number, for the reasons which shall be assigned in the next paragraph, 200 may be added; being in all one thousand, or at the rate of one surgeon to every 1,200 inhabitants.†

\* The real number is computed to be nearer a million and a half: but we wish to under-rate rather than over-rate.

† We are assured, that the surgeons in London amount to 1,500; but, not having the immediate means of an accurate

The printed list of the Society of Apothecaries, in London, in 1825, contains about 475 members, of whom not quite 300 reside in the metropolis and seven miles round. But, for the following reasons, this must be considered but as a very small proportion of all the apothecaries exercising their profession in the metropolis:—1. Upwards of a century ago, their number exceeded a thousand; 2. By the terms of the acts of parliament which have recently been passed respecting apothecaries, all those who were exercising the profession in London, previous to 1815, without having been incorporated, or undergone examination, were allowed to continue their functions. This description of persons is very numerous, and their names are not inserted in the list of the society; 3. All the medical officers of his majesty's army and navy, and of the East India Company's service, are entitled to practise as surgeons and apothecaries in any part of the British dominions. Many of them avail themselves of this privilege by settling in the metropolis, and their names are not to be found in any list. We are, then, probably, much within the mark, when we estimate the whole number of apothecaries

estimate, we choose to adhere to the lesser number, which will sufficiently justify our conclusions.

in London, derived from all of these sources, at two thousand; being at the rate of one apothecary to every 600 inhabitants.

Thus, in London, the physicians are to the surgeons as one to six; to the apothecaries, exclusive of the chemists and druggists, as one to twelve; to both united, as one to eighteen!

The number of chymists and druggists in the metropolis we estimate at about three hundred.

In Paris, there were, in 1822, 600 physicians, being, on a population of 800,000, in the proportion of one physician to 1,333 inhabitants, or five times greater than in London.

The same year, there were in Paris 128 surgeons, being one to 6,250 inhabitants, or four-fifths less than in London.

The number of apothecaries in Paris, in 1822, was 181, being one to 4000 inhabitants, or five-sixths less than in London.

In Paris, then, the physicians are nearly five times as numerous as the surgeons, more than three times as numerous as the apothecaries, and twice as numerous as both.

Thus, the ratio which the physicians of Paris bear to its surgeons and apothecaries united, is to the ratio which the physicians of London bear to its surgeons and apothecaries united, as *thirty-six to one!*

Consequently, if, in Paris, the three branches

of the profession bear a due proportion to the demands of the inhabitants for medical, surgical, and pharmaceutical aid, and if the relative demands of the inhabitants of both capitals for the aid of these several branches be similar, the actual excess of surgeons and apothecaries over physicians in London is as *thirty-six to one*. This is, in fact, the case; and the excess of surgeons and apothecaries beyond the due proportion of these branches has been produced by the necessity of procuring medical aid from other than the ordinary sources, occasioned by the undue limitation of physicians under the college monopoly.

Taking the three branches of the medical profession in Paris, and supposing the distribution of them in that capital to be the proper standard, viz. 600 physicians, 128 surgeons, and 181 apothecaries, they are united about 900, or at the rate of one to every 900 inhabitants; whilst in London, if the computation of 174 physicians, 1000 surgeons, 2000 apothecaries, and 300 chymists and druggists, be correct, the total number is 3,474, or at the rate of one to every 345 inhabitants. In Paris, then, under a due distribution of the three branches, the expense of maintaining each individual engaged in the profession is divided among nine hundred persons, whilst in London

it is shared among 345 ; the actual expense to each inhabitant of the latter being nearly treble the expense to each inhabitant of the former city. Whilst the town is ill-served, and the relative proportions of the different branches of the profession are more than inverted, the ratio of medical men of all the branches united, to the number of inhabitants, is nearly as great as in the army and navy, even in unhealthy climates, or in battle !

The number of physicians in Dublin, we are informed, somewhat exceeds sixty. The inhabitants of the Irish capital being estimated at 200,000, this proportion of physicians is more than double of that which exists in London, and less than half of that which exists in Paris. This superiority of Dublin over London, and inferiority to Paris, in respect to the supply of medical aid of a proper kind, will be found to depend upon the manner, extent, and degree in which the monopoly of the College of Physicians has relatively operated, and upon the restrictions imposed by the constitutions of the other branches of the medical profession jointly. But of the number of surgeons and apothecaries in Dublin we have not a precise knowledge.

Although the spirit of incorporation be every where the same, yet the constitutions of bodies corporate are variously modified, according to

circumstances; so that in some that spirit has less scope for operation than in others. In the London College of Physicians, for instance, it is more intense than in that of Dublin, and in the college of Dublin more intense than in that of Edinburgh. In these pages, the privileges and proceedings of the first body will be fully displayed. In Dublin, the right of the graduates of the university of entering the College of Physicians without examination, under the original charter of William and Mary, was taken away by an act of the Irish legislature. In Edinburgh, the graduates of other universities are admitted, without examination, to the rights and privileges of the College of Physicians.

The problems, then, which we have to solve, in the first instance, are these:—1. Are the three branches of the medical profession in Paris in due proportion to each other and to the inhabitants? 2. If so, what are the causes of the extreme disproportion to each other, and to the inhabitants, which prevails between the three branches of the medical profession in London? 3. What are its effects? And, 4. What is the remedy?

Towards the solution of the first problem, it may be observed that, whilst, in France, the various branches of the medical profession are

left in a perfect state of freedom, each necessarily accommodating itself to the public demand, in England they are, by restrictive laws, kept in an artificial and forced state, which hinders them from so accommodating themselves; that in all countries in which a similar freedom from restraint prevails, a similar organisation and similar proportions as in France will be found to have established themselves; and that such are the proportions indicated by the usual ratio, which the labours required for medical cases, surgical cases, and the dispensing of medicines, may reasonably be computed to bear to each other, on an average of countries. The relative demand for aid, in these branches, which the existing numbers of physicians, surgeons, and apothecaries, in London, indicate, would be quite preposterous in respect to any state of society. That, for instance, would be an unprecedented state of society in which accidents and operations would be to cases strictly medical as five or six to one, or in which the compounding and dispensing of medicines would require twelve times as much labour as to visit and prescribe for the sick.

. Taking the distribution of the three branches of the medical profession, in Paris and other large towns generally, where artificial limitations do not exist, to be the proper standard,

or nearly so, we ought to have in London, a thousand physicians, 200 surgeons, and 300 apothecaries, or chymists and druggists, instead of 174 physicians, 1000 surgeons, 2000 apothecaries, and 300 chymists and druggists. Hence it appears that there are, in London, 800 surgeons and 2000 apothecaries more, and 826 physicians less, than there would be if there were no artificial limitations, or if the three branches of the profession were left freely to adjust their due proportions to each other and to society. The functions of the 826 physicians who are deficient, are, of course, at present supplied by the extra surgeons and apothecaries, or by empirics. Deducting 826, then, from 2,800, there will remain about 2000 medical men of all the branches, in London, beyond the proportion which would obtain, under an entire freedom of emulation, and unrestrained competition of the members of the medical faculty, meaning the term in the university acceptance. But, in order that these 2000 persons, who, under a fitting organisation of the profession, would be superfluous, may have a living, an adventitious demand must be created; more surgical operations must be performed, and more medicines must be consumed, than are either useful or necessary; and the aid of the physician is not resorted to until his services



can no longer avail. Thus, the interests of every branch of the profession are placed in perpetual opposition to their duties; and the public, whilst the care of their healths and lives costs them nearly three times what it would cost them under a proper organisation, or what it costs in any other nation, are disserved and maltreated. This does not, of course, arise from any lack of skill, talent, knowledge, or integrity, among the members of the profession individually. These are precisely the same as if perfect freedom existed; but there are not the same motives to exercise them: instead of encouragement to emulation and competition, there is even a premium on a dereliction of duty.

In order to solve the second problem, or to trace the causes of the disproportions which exist between the several branches of the medical profession, in London, it is necessary that we should examine the charters which have been granted, and the acts which have been passed, from time to time, in this kingdom, with a view to regulate them, but more especially the by-laws of the College of Physicians, in London, and the conduct and proceedings of that body, under them.

In England, previous to the reign of Henry VIII., the medical profession, in all its branches,

was in a most deplorable state; "in so much, that when princes laboured under any distemper, their privy council made choice of some to attend, out of the many pretenders to the science of physic."\* Thus when Henry VI. lay sick, the council assigned him three physicians and two surgeons, to administer freely about his person.† There was no medical education in the kingdom. The surgeons ranked with the barbers, and the apothecaries with the grocers; and as to physicians, the few that acted as such, principally about the court and parliament, were graduates of foreign universities. Of this description was every one of the six physicians mentioned by name in the first charter or letters patent granted to the College by Henry VIII.

There were, at this period, necessarily attached to the healing art a great number of persons wholly illiterate, and not nominally belonging to any of the regular branches of the medical profession, but possessing an experience and dexterity, of a particular kind, on which the public were less or more accustomed to rely for aid; and we confess that we do not find in the constitution or proceedings of the

\* "An Impartial Inquiry," &c. 1753, p. 1.

† Seymour's Survey of London, &c. vol. x. p. 155.

College of Physicians any ground for believing that it was of advantage to the community, when that learned body, in the pride of their scholastic acquirements, thought fit to institute an indiscriminate prosecution or rather persecution against this class of practitioners, under the general denomination of empirics and impostors, with a professed view to their entire suppression : for we are humbly of opinion, that, even in respect to medicine, assistance of an inferior quality, supposing empiricism to be always inferior to dogmatism, is better than no assistance at all.

The powers exercised, or presumed to be possessed, by the College of Physicians in London, will be found to have emanated in part from letters patent, or a charter supposed to be confirmed by an act of parliament; in part from charters undoubtedly not so confirmed; but in by far the greater part from pure usurpations of their own in the course of succeeding centuries. The powers conferred by royal charters, or by acts of parliament, were always granted in consequence of pressing applications from the College; and these applications were uniformly grounded on the pretended necessity, and the pretended practicability by the powers sought for, of suppressing ignorance, imposture, and empiricism. It is worthy of remark, that the

public were never the applicants. But, previous to the establishment of the College, an act was passed in the 3d of Hen. VIII. c. 2, (anno 1511,) for the appointing of physicians and surgeons, which appears to have been the first statute of importance passed upon the subject.\* It was expressly founded on the inconveniences ensuing by ignorant persons practising physic and surgery, as “common artificers, smiths, weavers, and women, to the high displeasure of God, great infamy of the faculty, and destruction of many of the king’s liege people.” Upon this occasion it was enacted, that no physician or surgeon should exercise their faculty within

\* “An ordinance against intermeddlers in physic and surgery” is indeed stated by Sir Thomas Browne, in his “Vindication of the College of Physicians,” 1753, to have been passed in the 9th of Henry V., *not printed in the statute book, but taken from the parliament rolls.* The intermeddlers in physic are said to have been submitted for judgment to the universities, and those in surgery to masters in that art. But whether any act, and whatever kind of act, had been passed on this subject in the reign of Henry V., it does not appear to have been followed by any lasting or important consequences. Like the enactments of Henry VIII., it must have been an imitation of the regulations of “*other lands and roialmes* :” for we find that even as late as 1504, medical lectures were given at Oxford by a foreigner of the name of Andrew Alazard; and all the earliest promoters of learning in Britain, after the revival of letters, were men who imported their knowledge from Italian universities.

the city of London, or seven miles thereof, without having been previously examined and approved by the Bishop of London, or Dean of Paul's, with four doctors of physic or surgery. Those for the country were to be allowed by the bishop of the diocess. As this was the first, so it was the most simple, and the least exceptionable of the acts which have been passed upon this very important subject. The privileges of the universities were not violated; their members were expressly exempted from the prescribed examinations; no limit was imposed, nor has there been any in subsequent statutes, to the number of physicians. The tribunal appointed to examine candidates for practice had no distinct interests either in their increase or limitation; and hence fairness and competition were insured. But still the means of conferring medical education, by which alone ignorance and insufficiency could be remedied, were wholly neglected, and the public had to depend for their precarious supply of medical aid entirely upon the foreign schools.

By letters patent of the 10th (anno 1519), and act of the 14th and 15th Hen. VIII. (anno 1522-3), six physicians by name, and *all other persons of the same faculty* within the city of London and seven miles about, were constituted one body and perpetual commonalty or fellowship of the

faculty of physic. They were called a college; they were to have perpetual succession and a common seal; they might sue and be sued; they might make *lawful* assemblies and ordinances for government; no man was to practise physic in or within seven miles of London, unless he were by them *allowed* (*nisi admissus sit*); their members were not to be summoned on juries; the mode of electing the President, four *Supervisors*, and eight Elects, was determined; physicians in other places, not of the universities, were to be examined by the College; their title was "President and College or *Commonaltie*;" there was no distinction of ranks among the members; a fine of 5*l.* a month was imposed for practising physic without admission; the qualities necessary to admission were, that the candidate should be "profound, sad, discreet, groundly learned, and deeply studied in physic." All graduates of universities must have been deemed to have of course come under this description. There was, consequently, no such preposterous power given to the College, by the charter or act of parliament, as that of examining doctors of Oxford and Cambridge, which were then the only universities in the kingdom, they being persons of the same faculty (*homines ejusdem facultatis*), and included in the clause of qualification; and in this interpretation of the

powers granted to the College we are borne out by the opinions of Lord Chief Justice Coke, Mr. Justice Daniel, and Lord Mansfield, to be hereafter mentioned, no less than by the reason of the thing: for it could never have been contemplated by the crown or by the legislature, that a different measure of medical fitness should be served out to the inhabitants of the town and of the country, or a different treatment to the practitioners. If the graduates of Oxford and Cambridge, intending to practise in the country, were expressly exempted from examination, this can surely be no ground for inferring that the same graduates, if intending to practise in the metropolis, were made liable to examination, without its having been so expressed. The "*nemo*," as applied to them, then, can have no reference to *examination*, but to *admission*. But it is easy to perceive why it should afterwards have appeared essential to the selfish views of the College to usurp the power of examining graduates of universities (*homines facultatis*) intending to settle in London; whilst, not entertaining the same exclusive designs against country patients, it was not necessary for them to affect to be so outrageously careful of the health of his majesty's lieges *extra urbem*. This much we have thought it necessary to state *in limine*.

By the 32d of Henry VIII. (anno 1540,) phy-

sicians in London were exempted from certain services, authorised to search apothecaries' drugs and stuffs, and to *practise* surgery. (Goodall's Col. of Phys. p. 17—20).

By the 32d of Henry VIII. c. 42, for barbers and surgeons, it is enacted, that, “forasmuch as all persons using of the mystery or faculty of surgery, oftentimes meddle and take into their cure and houses such sick and diseased persons as been infected with the pestilence, great pocks, and such other contagious infirmities, do use or exercise barbery, as washing, or shaving, and other feats thereunto belonging, which is very perilous for infecting the king's liege people resorting to their shops or houses, there being washed or shaven; no person using barbery or shaving shall occupy any surgery, letting of blood, or any other thing belonging to surgery, drawing of teeth only excepted.” It is also enacted, that, “all persons using surgery shall have an open sign on the street side where they shall fortune to dwell, that all the king's liege people there passing by, may know at all times whither to resort for their remedies in time of necessity.”\* And that, “it shall be lawful to

\* The sign, according to Lord Thurlow, was a blue pole, with a red spiral band, having pewter basins dangling from it—emblematical of the apparatus used in the operation of blood-letting. The pole now indicates the abode of the village barber.



any of the king's subjects, not being a barber or surgeon; to retain, have, and keep in his house, as his servant, any person being a barber or surgeon, which shall and may use those arts and faculties of barbery or surgery, or either of them, in his master's house or elsewhere, by his master's license or commandment, &c." (Goodall, p. 25—27.) From the 5th of Henry VIII. we find, that, in 1513, the surgeons were only twelve in number, and that they had been more numerous at the time of their incorporation. (Goodall, p. 3—5.)

By the 34-35 of Henry VIII. c. 8, any person, being no *common* surgeon, may minister *outward* medicine. It shall be lawful for any person to cure outward sores, notwithstanding the statute 3 Henry VIII. 11. Here we are informed that "many rot and perish to death for lack of help of surgery." (Goodall, p. 29). What a contrast between the relative states of the professions of physic and surgery in the time of Henry VIII. and at the present period! Their number was then about equal: the surgeons are now six times as numerous as the physicians. The College of Physicians might then practise surgery themselves, and fine or imprison surgeons for practising physic; whereas surgeons now not only practise physic in its most extensive acceptation, but appear to claim the privilege of interdicting

physicians from the practice of surgery. They were then subordinate; they are now paramount. Both states are incompatible with the interests of the medical profession, and the welfare of the public. The causes of these curious phenomena will be developed in the course of this work.

By the 1st of Queen Mary, the College of Physicians were authorised to commit offenders for their offences or disobedience to any prison within the city of London, the Tower only excepted; and gaolers were required to receive and keep such persons at their proper cost and charges, without bail or mainprise, until discharged by the College, upon pain of forfeiting double the fine of such offenders," &c. (Goodall, p. 32).

These facts shew, that at this period the College of Physicians possessed the most extensive influence with the legislature, and the most complete ascendancy over the other branches of the profession. No other incorporation, perhaps, ever enjoyed a power more absolute, or exercised it more despotically. Yet we have the acknowledgment of their own historian, that the empiricism which so extraordinary an authority was intended to suppress did, under their unexampled prosecutions, singularly increase and flourish. Dr. Goodall, in his Epistle Dedicatory, informs us, that it was thought necessary in the

reigns of Elizabeth, James I., and Charles II., to grant to the College further “liberties, powers, and privileges, by reason *of the great increase of unskilful, illiterate, and unlicensed practisers of physic in London and within seven miles thereof; who now are arrived at that height of impudence, not only in their public writings, but even in the king’s courts of judicature, that they dare adventure to question the authority of an act of parliament, though owned as such by those royal testimonies already named,*” &c. This alludes to its having been questioned, on the trial between Dr. Adrian Huyberts and the College of Physicians, in the reign of Charles II., whether the act of the 14th of Henry VIII. had ever received the royal assent. This is of very little importance now to determine, since the powers really conferred by that act, supposing it to be valid, are not liable to any very strong objections.

By the charter of James I. power was granted to the College to sue for penalties; to retain them for their own use; to examine and correct physicians, apothecaries, and their medicines, and *to punish them by fine, imprisonment, and otherwise;* to call before them physicians, and examine them, and to fine them that refuse to come; to fine and to imprison such as practise without license; to examine witnesses, and to administer oaths to them; to search and destroy the drugs and me-

dicines of apothecaries; to make such *wholesome and reasonable statutes* (by-laws) *as are not contrary or repugnant to the laws and statutes of the realm*; with various minor privileges. Their title of "President and College or *Commonaltie*" remained as before. The supervisors were "*now commonly called Censors.*" (Goodall, p. 43.) This charter, although, as being unconfirmed by parliament, not valid, has, however, been acted upon by the College. Here we have the first mention of *examination* without distinction of persons.

Notwithstanding the most extensive application of the tremendous powers which were here illegally delegated, and illegally exercised, the College were so far from being able to make any impression upon empiricism, that, as is officially acknowledged in the preamble to the grant of Charles II., empiricism continued progressively to prosper: "And whereas, notwithstanding all the care, travaile, and endeavour had and taken in the creating, modelling, and establishing of the constitution and corporation aforesaid, and the many and greate liberties, powers, and privileges thereunto given, granted, and confirmed by the said severall letters patent and acts of parliament aforesaid; and notwithstanding *the constant and indefatigable paines and endeavours of the President and College aforesaid, on all opportunities had and*

*taken, in putting the same in due execution to the ends aforesaid,—it hath been made most apparent and evident unto us, that the number of unskillfull, illiterate, and unlicensed practizers of physicke in and about our said cittie of London hath of later years much increased, and att present doe daylie multiply, together with the renewed frauds, abuses, and deceits of divers apothecaries, druggists, and others inhabiting in the same cittie, frequently exercised and practised in the making, preparing, ordering, and venting of drugs and other things relating to the said facultie of physic, to the greate dishonour of this nation, and of the sage and learned professors of that facultie, soe noble and necessary, and to the detriment of us and our good subjects; the chiefe cause or ground whereof, as we are given to understand, ariseth from some defects in the said constitution, THE COERCIVE AND PENAL POWERS THEREOF BEING NOT APTLY AND USEFULLY PLACED AND SETTLED,” &c. (Goodall, pp. 66, 7).*

By this charter of Charles II., granted on the humble petition of Sir Edward Alston, president, and other members of the College, all the privileges which they formerly possessed, or were thought to possess, were confirmed and extended, and some new ones were added. Here we remark for the first time a change in the title of this body politic and corporate. They are now

called "President, *Fellowes*, and Commonalty." The first forty fellows were nominated by the king in the body of the grant. As vacancies might happen, they were to be filled up out of "*the commonalty or members*;" but not out of *graduates of Oxford or Cambridge* more than other members. They were all to take the oaths of allegiance and supremacy. The power of admitting or licensing did not by any means apply to a distinct body, but expressly to "*all persons whatsoever, of what condition or quality soever he or they be, being no member of the said corporation, nor heretofore licensed under the common seale of the said College.*" (Goodall, p. 85.) This, of course, included graduates of Oxford and Cambridge. There was still no gradation of classes instituted. The president, censors, elects, fellows, and commonalty, were all alike members of the incorporation. All the members had "*negotia*," and an equality of voice. The penalty of practising without license was increased to 10*l.* per month, for which the College were empowered to sue. The censors were authorised to *enter houses and search; to burn or destroy such drugs or medicines as they find defective or corrupted, &c.* (Goodall, p. 92.) All the most odious of these powers appear to have been most fully carried into effect, as if they had been not only authorised, but enjoined by the legislature. But

there is one provision, the only good one, in this charter, respecting the execution of which we cannot help entertaining some doubts, not having seen any announcement of it by the College historian. It is that which directs that all fines, after deducting charges, should go to the poor of the parish. (Goodall, pp. 107, 8.) We shall be much obliged to any one who will give us satisfactory proof that this clause has ever been, in any single instance, complied with. The College, perhaps, deemed themselves the representatives of the poor of the parish.

The impossibility of restraining illegal practice whilst physicians were limited to an inadequate number on the one hand, and sickness continued to prevail on the other hand, was totally overlooked. The ill success of the College in their attempts to suppress empiricism appears to have been regarded by the crown as well as by themselves, as owing to the powers with which they were armed being inadequate, and an increase of those powers seems to have been considered as the only appropriate remedy. Yet the legislature must have had somewhat different notions of the matter: for the terms of the charter of Charles II., as we collect from the following sentiments of a member of parliament, published in 1665, failed to obtain their approbation: — “ And whereas I have

several times found both yourself and some other physicians of my acquaintance possess with apprehensions because *our house* did not pass the patent by his majesty lately granted to the College; though I will not make myself guilty of so much rashness as to censure the advice by which that affair was governed, yet I verily persuade myself, if, instead of that long patent *de novo*, you had followed the example of your ancestors, who, finding some defects in the first act of their incorporation, made in the fourteenth Henry VIII., chose rather to bring into the parliament small *additional bills*, praying such new powers as might enable them to put in execution the true interests of the first act, as that of thirty-eighth Henry VIII., in which they derive the privilege of *visiting the wares of the apothecaries*; and afterward, *Prima Mariæ*, another bill requiring the magistrates to be assisting to them in the execution of this power, which was forgot before. And likewise another clause was desired, commanding gaolers to receive and keep in safe custody such prisoners as should from time to time be committed by the authority granted to the College, till they should be by them thereof discharged: I say, if some such course as this had been taken, I make no doubt but the zeal and care of this house is such for the honour and advancement



of all *true learning in the nation*, that it would have passed without much debate. But, *considering the great length of the new charter*, the great numbers of men of several sorts that made opposition, and pretended high exceptions against it, the many weighty and important things at that time upon their hands, and so the little leisure they had then to examine a business of that nature as they ought to do, it is to me no great wonder that it was for the present laid aside.”\*

In the year 1685, a *quo warranto* being issued against the College, they published a case wherein they vindicated their conduct, and, among other things, stated, that they had applied to the crown to have the number of their fellows augmented from forty to eighty, in consideration that the town was so much increased, and that to take in so many learned and considerable practitioners would tend to the honour, quiet, and advantage of the College, and *to the increase of their treasure*. A charter was accordingly granted; but, like those of James I. and Charles II., it was not confirmed by act of parliament. This application proves, among other things, that the College did not then think

\* A Letter concerning the Present State of Physick, and the Regulation of the Practice of it in this Kingdom. Written to a Doctor here in London. 1665, pp. 5 and 6.

themselves warranted in making fellows a distinct and superior class. All the privileges granted by former charters to the College were, in this, confirmed and augmented, as if nothing but an increase of power to that body was necessary to destroy ignorance, and to insure the preservation of the public health. A new power of a very singular nature was, upon this occasion, granted to them :--“ The sole power of licensing all books, papers, &c. relating to physic and chirurgery, and the practice thereof, after the expiration of the act of printing ;” which, “ in the meantime, is by them exercised by favour of his grace the Archbishop of Canterbury, who has been pleased to give them his deputation for that purpose ; by which means *frivolous and useless* books in physic and chirurgery will, for the future, be in great measure prevented, and the scandalous bills of empirics and impostors in that faculty stifled and suppressed.” At the present period, it would be superfluous to offer a single comment on the nature or tendency of such a clause : and the fact will perhaps be deemed scarcely credible, that the spirit of it is still acted upon by the College. However unauthorised, the College have always, as it was their interest to do, uniformly enforced, as far as circumstances would permit, the worst and most despotic

clauses of all their charters. In the third and last year of his reign, King James II. issued a mandatory letter to the College, dated Windsor, July 3, 1687, requiring them to do their "*utmost diligence to prosecute and suppress all such unlearned and unlawful practisers of physick as shall presume to act contrary to our said letters patents, and to the laws of the realm in that case provided.*"

The extraordinary powers which were thus granted to the College of Physicians, by the charters and acts of parliament of which we have above stated the substance, although highly illegal and unconstitutional, would not, however, have been, by many degrees, so detrimental to the public weal, but for other important privileges, which they found it convenient and practicable to confer upon themselves. In the proceedings of this grave body, acting under the authority of these two sets of powers for a period of three hundred years, are to be found numerous traits so strikingly characteristic of the anti-social nature of such institutions, under their most ordinary aspects, that, if they were not unequivocally authenticated, they might be deemed to be fabulous. They are curiously illustrative of the genuine workings of the incorporation spirit *in matters of science*: and the nature of this spirit cannot in

any other manner be so well appreciated as by a series of those acts to which it is found invariably to give rise. But as the proceedings to which we allude are scattered over a great variety of distinct records, and would necessarily remain unknown, excepting to the few who could bestow sufficient time and labour on the perusal of the publications which contain them, we have thought that some historical sketches of the most remarkable of them might be a not unacceptable present to the general reader: and to a task so irksome, or rather so disgusting, as the collection of such materials imposes, we have, on the ground of its obvious utility, thought it a duty to vanquish our repugnance. Before, however, we go on to describe those proceedings, it will be proper, in order that the reader may be enabled easily to trace the connexion between cause and effect, to state wherein consist the particular privileges which are the result of mere usurpation. In virtue of statutes, then, which are contrary to reason, to justice, and to the law of the land, nay to the very terms of the charters and acts of parliament in that case made and provided—which statutes have ever been kept carefully concealed, not only from the public eye, but from the knowledge of the very persons who were to be governed by them—the College

have arrogated to themselves a power of unduly limiting the number of physicians in London; of examining members of the faculty—doctors of the universities; of restricting the rights of incorporation exclusively to the graduates of Oxford and Cambridge; and of degrading the graduates of all other universities by an inferior title, and a rank as mere appendages to the incorporation.

We shall hereafter have a more fit opportunity of minutely examining the rise, progress, and consequences of the powers which, whether conferred or assumed, whether in separate or combined operation, have been so long exercised by the College, to the detriment of the public. But, before we go further, it will be proper to advert somewhat more particularly to the by-law which has unduly limited the number of physicians, since upon that law will be found to depend the principal part of the mischief that has arisen from those proceedings of the College against empirics and unlicensed practisers which we are now going to describe. In order to establish a monopoly, it became necessary to limit the number of the incorporation; and in order to effect this limitation, to establish the privilege of examining all physicians was indispensable. Hence the by-laws for these purposes were made at a very early period of

the existence of the College. The two other principal obnoxious by-laws are, as shall be afterwards shewn, comparatively of a recent date.

In the sixteenth century, the number of physicians was limited by the College by-law to twenty, and in the seventeenth to forty. Perfect accuracy in this matter is of no importance; for if the number permitted had been double, it would be insufficient, and the principle of the argument founded on the undue limitation would not vary. It is obvious, then, that, as the College could not, without violating their own law of limitation, and infringing on their monopoly, admit any greater number of members than was prescribed by it, they were obliged to reject every candidate for admission beyond the specified number, whether fit or unfit; and since they could not decently avow that they had rejected fit persons, to brand all whom they had rejected as being incompetent. The reader is particularly requested, whilst he peruses the following narrative of proceedings, to bear this monstrous dilemma constantly in his mind. It has been seen that neither the power of limitation, nor that of examining graduates of universities, had been awarded by any charter or act of parliament; they are consequently positive, and, as shall be fully demon-

strated, absurd and pernicious usurpations. In respect to the following detail, which we have thought fit to give, of the proceedings of the College, it will be observed, that although we have consulted and cited numerous writers, we have, in what concerns their prosecutions of empirics, chiefly drawn upon the funds of their own historian, Dr. Goodall ; and it may here be observed, that, in order the better to suit their purposes, the College and their historian have rather indecorously confounded, under the common denomination of empirics, unadmitted physicians, the graduates of universities, surgeons and apothecaries practising physic, and the most ignorant and illiterate quacks. We shall here endeavour to trace, succinctly, the conduct of the College to each of these classes of persons, with its results, under distinct heads.

#### 1. THE CONDUCT OF THE COLLEGE TO THE GRADUATES OF UNIVERSITIES.

The following graduates were examined and rejected, fined and imprisoned, and charged with killing their patients.

In the reign of Queen Elizabeth, Thomas Pennye, a Doctor of Physic, having produced his testimonials, was examined, rejected, and, of course, found ignorant, prohibited practice,

and afterwards imprisoned for contemning the judgment of the College, and practising without their license.

Mr. Rawlins, Master of Arts in Oxford, and Doctor of Cambridge, was examined and admitted, but fined *propter praxin præteritam*. (P. 348.)

In 1600, Francis Anthony, Master of Arts in Cambridge 26 years, and afterwards Doctor of Physic, was repeatedly fined and imprisoned for practising physic, was examined and rejected, and of course "found very weak and ignorant." He was repeatedly charged with killing patients; but it does not appear that he was otherwise punished than by fines to the College and imprisonment. (P. 350.)

In 1591, Dr., Saul, a graduate of Leyden, being made physician to Queen Elizabeth, the College interfered, interdicted his practice, examined and rejected him, and of course found him ignorant. (P. 358.)

Dr. Bonham, a graduate of Cambridge in King James's reign, being examined by the president and censors, was dismissed *quia minus aptè respondit*. About seven months after, he was examined a second time; but, giving no satisfaction, he was required to follow his studies more diligently, and to appear at the next general court. A twelvemonth after, he was examined a third time; but, because he gave little satisfac-



tion to the censors, he was fined five pounds for practice, to be paid the next *comitia*, or else to be committed to prison. About six months after, it was ordered by the censors, that, seeing Dr. Bonham had been often cited, and not appeared, he should be arrested by the authority of the censors, and committed to prison, with a fine of twenty pounds. (Goodall, p. 362.) Upon trial, judgment was given against the College for false imprisonment, as stated in another place. Contrast this conduct of the College; in the case of Dr. Bonham, intending to practise physic in London, with the facility afforded by them in the following case of a person intending to practise in the country. James Oysten, Master of Arts in Edinburgh, produced letters patent from the Archbishop of York and Bishop of Durham, licensing him to practise both physic and surgery. But being now satisfied, that, by the laws *of the kingdom*,\* those licenses were invalid, he desired to pass the examination of the College, *that he might carry their letters testimonial into the country with him*. His request was granted, he examined, and letters testimonial given him, drawn up after the ordinary form. (P. 472.)

Dr. Eyre was cited before the College for

\* This candidate paid successful court to the College!

practising physic in London without license. Upon his appearance, he gave no satisfaction to the president and censors, wherefore they ordered his prosecution at law, and had a verdict against him *de praxi illegitima*. He was examined, rejected, and, of course, found ignorant. The censors afterwards threatened to sue him *de praxi illegitima pro anno*; but he paying 20*l.* *de praxi præterita* to the treasurer of the College, the suit was dropped. The censors afterwards fined him 10*l.* for ill practice, and ordered his imprisonment, which was, however, remitted on condition that he would own his obligations to the College. He was shortly after this examined and admitted. (P. 376.)

The following graduates were interdicted practice.

William Forrester, Master of Arts and Clergyman, in the 34th of Queen Elizabeth, was summoned before the president and censors, where he confessed that he had practised physic in London for three years. Being examined, he answered *ridiculè et ineptè*. He was interdicted practice for the future, and told that if he were found guilty, he should be punished for what was past. After this, Forrester was complained of by some patients, of whom he had received considerable sums of money without any advantage; by others, in that he had bargained with them

for their cures, taking part in hand, and reserving the other part till the cure was performed. Wherefore he was admonished to appear before the censors, which he promised; but, neglecting, a warrant was issued for his imprisonment, and a fine of 10*l.* inflicted for his illegal and ill practice, and not giving obedience to College summons. About three years after, fresh complaints were brought against him for prescribing a vomit and purge upon the same day to a woman with child (and one who not long before was troubled with spitting of blood), by the violence of which she miscarried, and died within three days. One Margaret Peacock also made complaint of Forrester's killing her husband by a vomit prescribed him at five in the afternoon one day, which gave him an hundred stools, and wrought so violently by vomit, that he died the next evening at nine o'clock, wallowing in his own blood and humours discharged by the violent operation of the forementioned medicine. Others charged him with agreeing for 20*l.* for a cure, of which he had received 10*l.*, yet by his negligence or ignorance the patient was dead. Of others he had received 5*l.* upon the same account, without any advantage to the patient. Upon these and the like complaints, he was again summoned to appear at the College; but having obtained a license for<sup>m</sup> practise from the

university, he sent that to the College, and refused to come; wherefore orders were given for a speedy prosecution of him, according to law, for his evil and illegal practice. Upon which he makes friends to the Attorney-general, who requested the College to be favourable to him, Forrester being willing to pay 10*l.* that the suit depending might fall, or he be admitted to the College, which was denied upon his impudent and insolent behaviour. (Goodall, pp. 334, 5.) So unauthorised practisers were to be deemed worthy of punishment or otherwise, not as they killed or cured his majesty's subjects, but as they were insolent or humble to the College!

William Turner, Bachelor of Physic in Oxford, was forbidden practice, and afterwards examined, approved, and admitted of the College. (P. 364.)

Dr. Tenant was accused by Mrs. Randol, that he had given to a servant of hers purging pills four days together, and likewise purging powders four days more, with which he had been purged so much beyond his strength, that she despaired of his life. She further testified that the Dr. had undertaken his cure for 6*l.* (of which he had received 40 shillings); which cure he was so far from performing, that whereas he had a tolerable stomach before, since the doctor's undertaking him he had not fasted any thing, but pined away, and was now dead of a *marasmus*. Not

long after, an apothecary complained against the doctor for his prescribing to a servant two pills, for which he had twelve shillings; and at night a little syrup, for which he had twenty shillings; and after that some other syrup, for which he received twelve shillings; which were of no advantage to the patient, he dying in a few days of a flux of blood. One Mr. Segar, king at arms, with his wife, complained against him, in that he had undertaken the cure of an hydropsical gentlewoman, and had received from her 30*l.*, partly for his pains, and partly for his medicines (whose price he had advanced beyond all reason and conscience), yet left her without a cure. He was so impudent and unconscionable in the rating of his medicines, that he charged one pill at 6*l.*, and an apozeme at the same price. After this, one Mrs. Whitney and Mr. Fulres charged Dr. Tenant with *mala praxis*, in that he had given to her husband (not very ill, but only complaining of a gentle preternatural heat) one pill of the bigness of a pease, for which he had six shillings, the operation of which was such, that it never ceased from vomiting and purging him from Friday morning till Sunday, at which time it had given him forty vomits and thirty stools with so great violence that he shortly after died. He was arrested, by order of the president and censors, for evil practice and contempt, &c., fined

20*l.*, and committed to prison. Afterwards an order was given for prosecuting him at law, upon which he engaged a person of quality to be his advocate to the College, that they might not proceed in their suit against him; *which was granted, upon the payment of 20*l.* fine, and 10*l.* for practice and costs of suit.* He was interdicted practice; yet it was proved again upon him, in a short time, having taken of one 27*l.* for the cure of a quartan ague which still remained; of another 20*l.* for the cure of the stone, without advantage; of another 6*l.* for the cure of a lientery. Upon these and the like complaints, the College commenced a fresh suit against him. (Goodall, p. 365—367.) We have thought proper to give this statement at length, because it is well calculated to shew the utility of the quacks to the College; that he who did the greatest mischief, supposing the account of their historian to be correct, was their most productive subject; and that in cases in which there ought to have been only prosecutions for murder, supposing the informations laid to have been true, fine, submission, and the intercession of persons of quality, were deemed sufficient satisfaction and atonement!

Dr. Burgess, having been in orders, and practising physic in London, offered himself to the College for examination. The president replied, that by a statute of the College (which

was read by the register) *they could not examine, admit, or permit any to the practice of physic who had been in holy orders.* (Goodall, p. 376.) How does this comport with the obligation of admitting all that are fit?

Dr. Brouuart, a Leyden Physician, was charged with practising in London contrary to law. Not being able to produce his letters patent, the president told him that he could neither practise nor proceed any farther towards procuring his license till he brought his patent, and then afterwards must be examined. This he refused. But when he understood it was unavoidable, “*he took out of his pocket-book the king’s letter wrote to the president and College in his favour. After which he was again summoned to appear before the president and censors, and, being by them examined, he was permitted to practise.*” (Goodall, pp. 383, 4.) A royal recommendation then was, with respect to medical competency, more than equivalent to a diploma from a university!

In King Charles the First’s reign, the following physicians were prosecuted :

In 1627, Dr. Jaquinto was accused of evil practice upon a woman with child, who miscarried upon the use of his medicines, for which the censors ordered imprisonment and a fine of 5*l.*; but, *upon the recommendation of the Earl*

*of Manchester, Lord President of the Privy Council, he was pardoned.* About a year and a half after, Dr. Jaquinto was summoned to appear before the censors, and admonished that he should not practise out of the Venetian ambassador's house. He was after this accused by Dr. Crook for practising physic and prescribing improper remedies to a young woman sick of a fever and catarrh, which being examined, and *judged by the censors unsuitable for the patient's distemper,* he was fined 5*l.*, "*which, by the intercession of the Venetian ambassador, was remitted, provided he abstained from practice for the future.*" (Goodall, pp. 407—409.) It appears from the correspondence which passed upon this occasion, that Dr. Jaquinto had practised twenty-five years in England; that he had rendered service to the Earl of Manchester, and many others; and that, from his residing at his house, he was probably physician to the Venetian ambassador. He was consequently, we may presume, a regularly-educated man; and that the vexatious proceedings against him, upon whatever pretence they may have been founded, must in reality have had for motive to preserve the monopoly entire by driving a formidable competitor out of the field. The absurdity of deciding what precise mode of treatment is proper or improper, in a conjec-



tural art, must be obvious to every one, especially at a period in which medicine was even much more conjectural than it is at present, or of concluding, in the case of a regularly-educated man, that an unfortunate issue is the result of the last medicine that was given. But towards censure, fine, imprisonment, and interdiction, such pretences were indispensable. In order to estimate their value, in the cases related by Dr. Goodall, it ought to be recollected that he was a mere partisan of the College, took his statements *ex parte* from their own records, and was careful to relate nothing which he did not think would do them honour. How far he has been successful, the public will now have an opportunity of judging. We may further observe, that Dr. Goodall, for his services to the College, was made a fellow of that body about the year 1676; that, in 1684, he presented to the censors' board the book from which we have here quoted, and his Annals of the College, in two vols. folio, from the year 1555 to the year 1647, for which he received their thanks.

If it be true, as has been said, that the College records were burnt during the great fire of London, it must have happened either that Dr. Goodall had examined them before that period, or that a considerable and conve-

nient portion of them had been preserved. But why did he not continue his history from the date of the fire to 1688, when his book was published, or to the period of his death? Had the College, in that interval, done nothing that he thought worthy of record? Why did he not state the cases of Dr. William Trigge, Dr. Barker, Dr. Stephen Trigge, Dr. Read, Dr. Fittiplace, and others? “in whose trials they (the College) successively were either overthrown or else nonsuited; *when great multitudes of people were present, who came thither to testify what benefits they had received by cure from those men, after they had tried the collegiates, and could find none: which being done, they had the satisfaction to hoot them out of the great hall of justice.*”—(A Corner-Stone,) &c. p. 6.

The following account, from the same work (p. 32), of their mode of proceeding in the case of Dr. Huyberts, so different from the statements of Dr. Goodall, deserves to be quoted:—“I am and would have been a man of peace, but by no means could obtain it; for, after they had arrested me by writ, and carried on the suit against me in the King’s Bench, I made application to them by myself and friends. Serjeant Wiseman (his majesty’s chief chirurgeon) having well known me many years, very courteously went with me to the president of

the College, who at first promised very fair ; but when I went alone to him the second time, to know what I might expect, he told me, *they had many weeds in their garden, and they must take a course to root them out ;* which was all the answer I could get ; so I troubled him no more. And as for the countess's doctor (my great persecutor), he sent me word by a person of quality, that if I would lay down my practice, they would lay aside their quarrel in law, but upon no other terms : whereupon I provided to defend myself, the suit going on. And they having given my attorney a *declaration* against me, I prepared to put in my *exceptions* ; and then on a sudden (upon I know not what by-design), they let fall their action in that court, and arrested me this last *vacation*, upon another action in the court of Marshalsey, where a new charge of expenses was brought upon me, with great loss besides of my time and practice, through perpetual attendance upon the suit, till I had brought the cause on to be ready for a trial there : and truly it had been then tried, had I not been advised by able counsel not to suffer so important a cause to be tried in a petty court, but to remove it back by *habeas corpus* into the King's Bench again, as the more noble place ; which I have done, and there I expect a trial this Michaelmas term, which brings

another great expense upon me, and loss of time; it being the great artifice of the collegemen, by tumbling me from court to court, to tire out and ruin me, and terrifie all others, if they can."

The case of Dr. Isaac Schomberg is a remarkable one. For seven whole years, viz. from 1746 to 1753, were the College engaged in a contest with this individual. In 1746, he was summoned, with others, to appear before them, but declined. In 1747 he was interdicted from practice; a new statute was prepared, and passed the following year, forbidding any member from consulting with interdicted persons; and notice was given by the beadle to all the members, that Dr. Schomberg was forbidden practice. The penalties enacted in this statute were 5*l.* for the first offence, 10*l.* for the second, and for the third expulsion. In 1749, Dr. Schomberg received his degree of doctor in physic at Cambridge, and applied to the College for leave to be examined for candidate. But they desired the censors not to examine him until his prohibition from practice was taken off, *after making proper satisfaction to the president and censors.* December 1, 1749, it was the opinion of a majority of the censors that he had made proper satisfaction, but they would not then examine him. February 2, 1750, he

required to be examined for a candidate as a matter of right. The right being disputed by Dr. Battie, one of the censors, it was agreed to examine Dr. Schomberg without determining in what quality. He underwent, at three several times, the usual examinations, in physiology, pathology, and therapeutics. Of the three censors present, two declared him to be qualified, as did Dr. Letherland, who was absent from indisposition, and examined him separately. But Dr. Battie, who had previously objected to the right, declared that he did not think him, upon the whole, *idoneus qui admittatur ad numerum candidatorum*. And, notwithstanding that *three out of the four* censors pronounced Dr. Schomberg to be qualified, it was decided at a *comitia majora*, April 9th, 1750, by fifteen to two, that the president should not propose him to be admitted a candidate, *one* only of the majority of fifteen (being the *fourth* censor) having participated in his examination. If this was not a scandalous and unjust proceeding, we do not understand the meaning of words. But it was not enough that the College refused to admit him a candidate; they also refused to assign their reasons, or to allow him copies of the minutes of the censors, or such other entries as related to him in the College books. April 1, 1751, Mr. Mead, attorney of the College, and a

relation of Dr. Mead, who was then a fellow, attended and read a letter from Dr. Schomberg, recapitulating his grievances, requesting to be admitted a candidate, or, in case of a refusal, to have the reasons of the College, and copies of their proceedings. The doctor being called in, the registrar, by order, read him the following answer:—"It has been formerly proposed to the College whether Doctor Isaac Schomberg should be proposed as a candidate, and it passed in the negative; *nevertheless, if Doctor Isaac Schomberg desires a license to practise, he is at liberty to apply to the College for that purpose when he thinks proper.*" The first gross absurdity and injustice which marked this case were, that a graduate of a university—a member of the faculty, should be examined at all by persons who were no more than members of the faculty like himself; the second, that, after having been declared qualified for candidate by three-fourths of the persons who had examined him, he should have been pronounced incompetent by fifteen persons, only one of whom had been present at his examination; and the third, that, after having been declared to be incompetent for candidate, he should be invited to become a *licentiate*, there being, in a *medical* view, between the functions of these two classes, no sort of difference. It is also not unworthy of observa-

tion, that it was during this contest, in which the privileges of the universities were so deeply involved, that the arrangements were made which terminated in the enactment of the famous by-law of 1752, by which a monopoly of the fellowship was established in favour of the graduates of Oxford and Cambridge. Whether Dr. Schomberg ever actually became a fellow, or submitted to the degradation of being a licentiate, we are not informed. What we have here stated is quite sufficient for our purpose. His case seems, however, to have given rise to some legal proceedings, but of which we do not know either the bearings or the results. It deserves to be here stated, as a curious fact, that Mr. Justice Lawrence, who was one of the judges in the court of King's Bench, during some subsequent proceedings of the licentiates against the College, afterwards to be detailed, was a son of the Dr. Lawrence who was registrar of the College during part of their contest with Dr. Schomberg, and afterwards their president.

To come down to a period still more recent, the following notice, which, it is presumed, was a circular, was received by a chymist and druggist in Bond-street, in 1810:—

“SIR—The president and censors of the Royal College of Physicians having been in-

formed that you have prescriptions signed by Dr. William Dick in your possession, I am directed by their authority, to *beg the favour* of you to give up such prescriptions to the beadle, who is the bearer of this.

(Signed) “ JAMES HERVEY, Registrar.\*  
“ Royal College of Physicians, Jan. 16, 1810.”

In wishing to possess themselves of Dr. Dick's prescriptions, the College might have had the double object in view of suppressing professional competition from, and ascertaining the mode of treating diseases in, India. The effect of such proceedings, could they have been rendered generally successful, would have been to deprive persons returning in bad health from our distant possessions of the privilege of being attended by physicians having experience of the diseases incidental to a residence in those climates, and in whose skill, from actual knowledge of their qualifications, those persons have been accustomed to repose entire confidence; and to compel them to have recourse exclusively to the aid of members of the London College of Physicians, with whose qualifications they might be wholly unacquainted, and who might never have travelled beyond the shores of the British Isles, and in whom they could

\* Medical Observer. London, 1810. Vol. viii. p. 133.



not, in such cases, repose confidence. The very terms of this note shew how sensible the College were of the absolute nullity of those powers which they still affect to possess, and which they formerly so unmercifully exercised, to the great detriment of the community, and utter ruin of individuals, under the sanctimonious pretext of a regard to the public health. The merit of Dr. William Dick is well known, and will be long remembered both in India and in Britain ; and it is notorious that the inveteracy of his persecutions by the College was in the direct ratio of that merit.

In order to evince further the all-grasping disposition of this learned incorporation, we may observe that they, about the same period, assumed the privilege of remonstrating with the Court of Directors of the East India Company, for employing for certain medical duties on their home establishment physicians who, although they might be acquainted with the diseases of various climates, had not been so fortunate as to be initiated into the arcana of the London College. To this extraordinary remonstrance, the chairman of the other incorporation is said to have returned an answer such as the unwarrantable interference of one public body with the measures of another public body, wholly independent of them, appeared to merit. Be-

sides the interests of the monopoly, this representation had doubtless an eye to the displacing of two individuals, for various cogent reasons particularly obnoxious to the College. In rancour, the *odium medicum* does not yield the palm to the noted *odium theologicum*.

Whilst these proceedings *for the public good* were in progress, there appeared in the Morning Chronicle, and other newspapers of the 12th of March, 1810, a paragraph in the following words:—“ On Friday, Sir Henry Hallford, Drs. Baillie, *Dundas*, and *Pope*, had another consultation at the Princess Amelia’s house, upon the state of her Royal Highness’s disorder.” Thus, whilst their members were daily meeting Drs. Dundas and Pope in consultation, the College were hunting among the apothecaries’ shops for the prescriptions of Dr. Dick and other physicians, in order to prosecute them, and would have fined any of their own body in the sum of five pounds, for aiding them or any *alienus homo* to save the life of a patient! And do they not unscrupulously meet in consultation with surgeons and apothecaries? Oh, but this does not affect their exclusive privileges. Very true: but if their services had been of the superior value that they would wish us to believe, their conduct would most seriously affect, and even destroy a great number of the

sick inhabitants, of this metropolis. And is there any law, human or divine, which the College can plead in excuse for this most iniquitous prohibition? No. It is proper that it should be generally known that their refusal to a patient, dying, or believing himself in danger, of the privilege of having recourse to whatever medical advice he might think would save him, is founded solely on a by-law of their own, no less repugnant to reason and humanity than to the law of the land. Would they not, for enforcing this odious by-law, be liable to prosecution in a court of justice for a conspiracy, at the instance of any individual physician whose practice and livelihood they thus combined to ruin?

*Bonds exacted from Physicians not to practise Physic.*

Bartholomew Chappell, in the reign of Queen Elizabeth, was fined for practising physic without license. About three months after, he procured letters to the College in his behalf from the Lord Treasurer, Lord *Shandois*, &c. Upon which account the College deferred any further prosecution of him till Michaelmas term; at which time, being examined, he was found unfit for practice, and afterwards interdicted, and *bound in a bond of 40l. not to practise in future.* (Goodall, p. 347.)

In the 39th of Elizabeth (1597), John Carter, Master of Arts, of twenty years' standing in Cambridge, was fined *propter praxin præteritam*. He was ordered to give bond that for the future he would not practise physic within London or seven miles. (Goodall, pp. 348, 9.) These bonds, as we shall have frequent occasion to observe, were useful implements,\* as they very rarely failed to be forfeited by a repetition of the practice which was interdicted.

*Graduates of Universities prosecuted for practising  
Physic.*

The first case of this kind is that of Dr. Bonham, which happened in 1606 to 1609 (Goodall, pp. 164—220), and which will be found elsewhere more particularly stated.

A foreign physician, who had taken his degree at Lovain in Brabant, was summoned before the College, and *ordered to return into his own country!* (Goodall, p. 314.)

In 1592, Lord Treasurer Burleigh wrote a letter to the College, requesting that Dr. Butler, a professor of physic in the university of Cambridge, might be permitted to practise physic when he should visit London. The College answered, “ That a free liberty of practice should be allowed Dr. Butler when he came to London, *provided that, if he came to live in town,*

*he would submit to the customary examinations of the College, and pay the usual fees due upon that account."* Was it for the sake of her majesty's lieges, or of the monopoly, that such obstacles were thrown in the way of a professor of Cambridge, who had probably been the instructor of many of those fellows of the College by whom he would have been examined, if he could have submitted to such a degradation? Is it not almost inconceivable that the College should have had the gross indelicacy of proposing such a test to Dr. Butler? But attachment to exclusive privileges, and to fees, will explain many otherwise inexplicable absurdities.

Dr. Raphael Thorey, who had taken his degree at Leyden, was summoned to appear at the College for practising of physic. He confessed that he had practised for three years, but *only amongst the French and foreigners*. He was complained of by one Mr. Edwards for prescribing a vomit to his wife, being a phthisical woman, with which she died suffocated in a few hours. The College proposed three things to his choice: either to pay 5*l.* to the College for his illegal practice; or be obliged in a bond that he would not practise physic for the future in London, or within seven miles; or else to be imprisoned and prosecuted according to law. *He readily accepted of the first condition, of paying a sum of*

*money to the College, and promised for the future to submit to their pleasure. He afterwards was examined, and had a license given him. (Goodall, p. 336.)* Thenceforward he might give emetics to phthisical women *ad libitum*!

Dr. Whitaker, being summoned before the censors, in the reign of Charles the First, was asked by what authority he practised physic: he replied that he had taken a degree at Leyden, and was incorporated at Cambridge: he behaved himself very rudely and insolently, *wherefore orders were forthwith given by the censors for his prosecution at law. (Goodall, p. 471.)*

## 2. COLLEGE PROCEEDINGS AGAINST SURGEONS.

In the 3rd year of the reign of Queen Mary, the surgeons were prohibited by the College from practising physic. (Goodall, p. 310.)

In the 13th year of Queen Elizabeth, a surgeon was fined 20*l.* for practising physic; but, *upon the intercession of some persons of quality*, the College forgave him twenty marks of that fine, *upon condition that he bound himself in a bond of 100*l.* that he would not practise for the future, which refusing, he was forced to pay the forementioned 20*l.* (P. 315.)*

In the 14th year, it was argued before Sir William Allen, Lord Mayor, whether the surgeons might give inward medicines in the scia-

tica, French pox, or any kind of ulcer or wound. Many arguments were used by the Bishop of London, Master of the Rolls, &c. for their practice in this manner. Dr. Caius, the president of the College, being summoned by the Lord Mayor, in his own and the Queen's delegates' names, did defend the illegality of their practice upon the forementioned accounts, after which it was agreed by all present that they ought not to practise. (Goodall, p. 315, 16.)

\* It could not have been known to the persons present upon this occasion, that the physicians of London being then limited by a by-law of the College to twenty, a number scarcely adequate to supply the court and the two houses of parliament, the multitude, unless they could obtain the illegal assistance of unauthorised physicians, or of surgeons, apothecaries, or empirics, would be entirely destitute of medical aid. If there had been no artificial limitation to the number of physicians, the schools being presumed to afford a supply adequate to the demand, the restraining of surgeons, apothecaries, and empirics from the practice of physic, although wholly unnecessary, would not, however, be nearly so mischievous. If, instead of injuriously multiplying means for coercing empirics, the legislature had removed the limitation which had been imposed by the College to the number

of physicians, the evil would have been at once remedied.

In the 24th year, John Gyle, a surgeon, was proved to have practised physic contrary to law, fined 20*l.*, and sent to the Counter. About two months after, he was sent for out of prison by the order of the College, and then behaved himself so insolently, and answered so ignorantly, that he was forthwith returned back to the same prison, *propter malam in re medica praxin*. (P. 319.) Insolence and ignorance appear to have been qualities common to all trespassers upon College privileges. The more these qualities abounded, the more did fines and imprisonment abound.

In the 25th year, one Leager, a surgeon, was ordered to enter bond to the College *propter malam et illicitam praxin*, which, if he refused, he was to continue in prison until his fine was paid. (Goodall, p. 319.)

In 1593, John Lumkin, a surgeon, being summoned before the College, he confessed his practising of physic in dropsies, gout, rheumatisms, and other diseases, and his prescribing of purging remedies, diet drinks, &c. He was afterwards charged for *mala praxis* upon several patients (as his dropping of oil of sulphur into a patient's eyes, from whence an inflammation ensued, and other ill accidents, which endangered a total blindness; his prescribing stupe-



factive pills to a citizen troubled with an ischury, by which he fell into a total suppression of urine, and made not one drop of water in ten days, but died most miserably on the eleventh); which being proved before the president and censors, he was forthwith committed to prison, *propter malam praxin et immodestos mores; and fined 20l.* About a twelvemonth after, he was committed a second time to prison for offences of the like nature, but then procured a letter from the Archbishop of Canterbury (by the interest of the Dean of Rochester, his great friend and patron), for the procuring his freedom; but when the Archbishop understood by the president and censors how insolently he had behaved himself, and slighted the College's authority, he would intercede no further for him. About five days after, a fresh application was made to the College in his behalf, upon which they consented to his enlargement, *conditionally that he gave a bond of 40l. that he would not practise for the future.* (Goodall, p. 332.) The efficacy of fines, intercessions, and bonds, which were sure to be forfeited, are here again beautifully illustrated in a case, in which, if half the alleged charges were true, the culprit ought to have been hanged.

Edward Owen, a surgeon and bold practiser in physic, was complained of by Joan Apseley,

in that he had undertaken her cure for forty shillings, of which he had received ten shillings in hand, and had given her a diet drink, purging medicines with mercury (by which her gums were ulcerated), and other medicines, without any advantage. He was punished by the censors forty shillings. After this he was summoned a second time for practising physic, and offered that he should either give a bond of 40*l.* that he would not practise for the future, or else pay presently forty shillings to the College, and if after he practised, it should be at his peril: if he refused what the censors now proffered, he was forthwith to be committed to prison. But to prevent that, he promised the payment of the fine imposed to the president within a few days. Not long after, one Sharpe, a servant to the Queen, made great complaint to the College against Owen, and desired their letters testimonial of his illegal and illiterate practice, which were granted in the following form:—

“ Be it known to all men by these presents,  
“ that one Edward Owen, of Surrey, a kind of  
“ surgeon, as himself affirmeth, hath often-  
“ times been convented in our College of Phy-  
“ sicians of London, for his bad and unlawful  
“ practice in physic; and whereas we have  
“ found him not only utterly ignorant in the  
“ same, but moreover we do certainly know

“ the great dangers that many of her majesty’s  
 “ subjects have been brought into through his  
 “ ignorance and lewd dealing therein, as well  
 “ by the just probation of others, as also by his  
 “ own confession, as appeareth in our College  
 “ books of records and yearly examinations :  
 “ and for that it appertaineth unto us of the  
 “ said College, by virtue of our privileges  
 “ granted by her majesty’s predecessors, and  
 “ act of parliament, not only to have a care to  
 “ seek out, but also to punish, such impostors  
 “ and abusers of her majesty’s good and true  
 “ subjects: in regard, therefore, of our duties  
 “ therein, we have not only from time to time  
 “ (as we could come by the said Owen)  
 “ punished him, partly by imprisonment, partly  
 “ otherwise, for his offences in that behalf, but  
 “ also have utterly forbidden him to deal in the  
 “ practice and exercise of physic, as he will  
 “ answer it at his peril, according to the true  
 “ intent and meaning of the laws of the realm  
 “ provided in that behalf for all such intruders  
 “ and malefactors.”

Notwithstanding, several fresh complaints  
 were made against him *ob malam praxin*, as  
 his prescribing purging physic, which occa-  
 sioned superpurgation, and the patient’s death;  
 a mercurial fumè, which procured lameness in  
 a second patient, and *death* in a third. *For*

*which evil and illegal practice he was committed to prison, and fined 10l., which sum he paid to the College, and readily discharged both sergeant's and beadle's fees.* (Goodall, p. 333.) Another instance in which alleged murders were cheaply atoned for!

In 1595, John Grove, a surgeon, was fined 5l. and committed to prison, *propter istam insignem audaciam, periculosam inscientiam, et illicitam praxin.* (P. 340.)

In November 1595, the College, by letter, requested the Company of the Chirurgeons in London, that *they would wholly abstain from the practice of physic.* (Pp. 340, 1.)

In 1596, Roger Jenkins, a surgeon, was enjoined to pay a fine to the College, give bond not to practise, and interdicted that profession. He promised to give bond of 40l. that he would not practise physic; but having afterwards done so, he was imprisoned. (P. 341.) Before this, he had been *six times* accused for practice, and several times fined. (P. 343.) Some years afterwards, he was repeatedly informed against, but *repeatedly forgiven, on account of the Lord Chancellor, in whose service he was.* (Pp. 346, 7.)

In 1596, Joseph Smart was fined 5l. *propter malam et illicitam praxin.* (P. 348.)

Edward Messenger interdicted practice, committed to prison, and fined 5*l*. (P. 348.)

In 1598, 40th of Queen Elizabeth, Thomas Watson was committed to prison, and fined 40*s*. *propter malam et illicitam praxin*. (P. 349.)

In 1602, James Henley, by the censors committed to Newgate. (P. 355.)

John Actor repeatedly fined and imprisoned, *ob illicitam et imperitam praxin*. (Id.)

In the second year of King James the First's reign, the Company of Surgeons presented a petition to parliament to procure an authority for prescribing inward as well as outward medicines in wounds, ulcers, &c. (P. 359), which was defeated by the College of Physicians. (P. 361.)

Thomas Woodhouse fined 5*l*. (P. 365.)

Peter Chamberleyne repeatedly fined, and interdicted all practice. (P. 367.)

Mr. Doughton accused, from ignorance of midwifery, of killing a mother and child. He was ordered to return 5*l*. which he had taken, and a bond for 200*l*. exacted that he should never practise midwifery again. (P. 368.) It is curious to see the College of Physicians take midwifery under their cognisance; a branch in which the fellows, being precluded by their own by-laws from the

practice of that art, could not be supposed to possess either knowledge or experience.

Newlas Rowland fined 10*l.* *de praxi pessima*, and ordered to be imprisoned. (P. 375.)

Thomas Greenwood imprisoned and mulct 5*l.* (P. 395.)

Russel Hutton fined 40*s.* (P. 413.)

In 1638, Thomas Cook, being charged with the death of a person of great quality, was ordered to give his bond for 100*l.* not to practise the same way by fluxing with mercury, to acknowledge his ill practice to the Lady Knyvett, and to bring a testimony from her to the College that he had confessed the same. (P. 423.)

Thomas Bowden discommuned. (P. 425.)

Richard Hammond, having given a boy a medicine so violent that he died of its operation, was fined 5*l.* and committed to the Compter in Wood Street. (P. 438.)

John Hogsflesh, accused of killing and otherwise injuring patients, was imprisoned and fined 10*l.* (P. 446.)

Andrew Kipping prosecuted at law for having practised physic. (P. 471.)

It is curious to contemplate the College procuring a law, on the one hand, to enable them to prohibit surgeons from practising physic, and, on the other hand, a law authorising themselves to practise surgery!

### 3. COLLEGE PROCEEDINGS AGAINST APOTHECARIES.

In the reign of Henry VIII. several drugs and medicines, alleged to be bad, were burnt by the order and in the presence of the censors of the College. (P. 305.) In the third of Queen Mary, the apothecaries were prohibited the practising of physic, and required that they should not divulge the names of medicines, nor deliver physicians' bills (prescriptions) to the patients, *they often proving of dangerous consequence to them.* (P. 310.) They were required to expose their ingredients to open view. (P. 311.) They were not to sell any poisonous or venomous drug without noting the name of the buyer and time of buying, unless there be a bill sent from some learned physician for their discharge. (Pp. 312, 436.) In 1613, they were required by a warrant from King James in council, to deliver the bills of all illegal practisers to the president and censors. (P. 382.) Not to compound or administer medicines without prescription. (P. 437.) Not to make up any medicine unless the prescription bear the signature of the physician, the name of the patient, and the date; except they know the hand-writing to be that of some one of the College of Physicians of London, or that such

apothecaries with their own hands do first date such bills, and note down the names of the physicians so directing them. (P. 467.)

*College Proceedings against individual  
Apothecaries.*

In the thirty-seventh of Queen Elizabeth, William Chetley fined by the censors for giving medicines without the advice of a physician, and threatened to be imprisoned. (P. 340.)

In the forty-third, Richard Edwards fined 5*l.* and sent to prison, for having given medicines without the prescription of a physician. (P. 351.)

Edward Coker imprisoned and fined 20*l.* Afterwards gave bond not to practise; but was again repeatedly fined and imprisoned. (P. 354.)

Mr. Hutton was summoned, begged pardon, and was forgiven, upon condition of not practising again. (P. 364.)

Mr. Holland charged for practising physic, fined 5*l.*, and ordered to be imprisoned. Continuing to be contumacious, all the members of the College were prohibited from writing of bills to his shop, or making use thereof, until he had cleared himself *de non exercenda medicina*. But begging pardon, paying his fines, and promising to behave respectfully for the future, his censure was remitted, and he was received into favour.



Being afterwards complained of by Dr. Wineston, that he did support Mr. Buggs, who stood in opposition to the College, and it being proved by his bills that he had made physic for Mr. Bland, and other illegal practisers, the president sent the four censors to visit his shop; where, besides divers bills found upon the file, written by empirics and ignorant mountebanks (of which they brought some away), they also found false compositions of medicines, not made according to the rule of the London Dispensatory, which he was bound to observe; wherefore the censors ordered that those medicines should be forthwith destroyed, which was accordingly done. (Goodall, p. 375.)

George Houghton, accused of killing patients, was repeatedly fined, committed to prison, and interdicted practice. (P. 402.)

In 1622, Abraham Hugobert, accused of killing patients, fined 5*l.*, and committed to prison. (P. 403.)

In the reign of Charles the First, Edward Graves accused of killing a patient, fined 5*l.*, and committed to prison. (P. 406.)

James Winter fined 10*l.* (P. 407.)

In 1638, one Eyre was charged by Dr. Clement for practising physic, and for behaving himself rudely towards physicians, also by Dr. Hinsloe. He was after this frequently

complained of both by physicians and patients. The Earl of Exeter, in whose service Eyre had been for twenty years, interfered in his behalf, and the correspondence between him and the College is curious. (Pp. 409—412.)

In 1632, Mr. Buggs, accused of killing patients, fined, imprisoned, &c. The proceedings, in this case, shew by inference how the College intrigued to prevent Buggs, who was a graduate of Leyden, from being appointed physician to Christ Church Hospital, the place being then vacant, and to secure it for one of their own body. (Pp. 413—419.) A suit was instituted against him for two years' practice.

Mr. Clapham was complained against to the College by the executors of a deceased patient, for bad treatment and extortion. He said, that, if he would have taken 5*l.* or 6*l.* for his bill, then this complaint would not have been brought. (Pp. 425—427.) The proceedings in this case are illustrative of the manner in which the system pursued by the College gave rise to informations.

Mr. Smith was excommunicated for disrespect to the president. (P. 438.)

In 1634, it was agreed and ordered, that, excepting in cases of absolute necessity, no fellow should give way to any interdicted apo-

thecary to make his medicine till they should be reconciled. (P. 440.)

In 1635, Mr. President admonished the fellows that none of them should send their bills to the discommuned apothecaries; who were the following, viz. Mr. Edwards, Mr. Cooke, Mr. Weale, Mr. Houghton, Mr. Holland, and Mr. Kendall. (P. 443.)

Upon the refusal of Mr. Phige to give any other answer to the censors, than that, if he had offended the laws, he was willing to satisfy them, they gave a certificate to the complaining patient, "that the practice of the said Phige was altogether unwarrantable, dangerous, and prejudicial to the health of the said patient." (Pp. 470, 471).

Although the history of these prosecutions is not brought down by Dr. Goodall beyond the reign of Charles the First, we find that they were continued unremittingly to the beginning of the eighteenth century; when the number of the apothecaries is stated to have exceeded a thousand, or seven times more than would have been required for the population of that period, if their functions had been limited to dispensing medicines, and if an unrestrained competition had existed among physicians. It was so far from being possible by prosecutions any longer to prevent the apothecaries from

practising physic, that it was, notoriously the demand upon their services in this line which had increased their number so much beyond its due proportion. The strange and discordant state of the different branches of the medical profession at this period, occasioned, in a curious and rather a fortuitous manner, a legislative check to the prosecutions of the College against the apothecaries. And as the following case contains a full account of their last struggle in this way in a court of law, and also of the sentiments of the College, to which justice could not be rendered by an abridged view, we give the whole of it, in order that the reader may be enabled at once to perceive its entire bearings, and to judge whether we have erred in our reasoning upon the facts.

*“ The Case of William Rose, Apothecary, upon a Writ of Error to reverse a Judgment given against him in the Queen’s Bench, at the Suit of the College of Physicians.*

“ That the College of Physicians were incorporated the tenth Henry VIII., and their charter confirmed, as is pretended, by act of parliament, the fourteenth and fifteenth Henry VIII.

“ That long before and ever since the said charter and act, the trade of an apothecary hath

been looked upon and esteemed a lawful trade, and to consist in the making and compounding medicines, and selling and giving them to all persons wanting the same, at reasonable prices; and the apothecaries have thus all along practised their trade and profession.

“That several physicians (not so much as educated in, or graduates of, our own famous universities) being, for the sakes of their fines or other considerations, lately admitted into the College, are now so numerous as to take on them the government thereof, and have fallen into divers methods for monopolising the whole business of physic, both as to the compounding, selling, and prescribing thereof, and are setting up to enforce every one to buy their advice (whether they like it or not), and this without the consent, and contrary to the will of the most eminent and best esteemed of their own profession, who are always mentioned by the apothecaries with honour and respect.

“1st. By oaths, bonds, and fines imposed on their own members, and others hereafter to be admitted, for submitting to their new-made by-laws, whereby they are like to keep the management amongst themselves.

“2nd. By setting up divers shops for making and selling medicines, on pretence of charity, but in truth for their private gain, by nostrums

(as they call them), which they multiply, and always sell at dear rates.

“3rd. By vexatious prosecutions, upon pretence of a clause in their charter, that none within London or seven miles compass shall exercise the faculty of physic, unless admitted thereto by the president and College, on penalty of 5*l.* per month.

“That in the action brought by the College against the now plaintiff in the writ of error, the case appears to be,

“That one Seal, a poor butcher, being sick, sent to the plaintiff for medicines proper for his distemper, who, not being licensed by the College, without the advice of a physician, and without any fee for his advice, at Seal’s request, made up several boluses, electuaries, and juleps, and them sold and delivered to him as proper for his distemper.

“And whether this were any offence, or illegal, is only the question.

“That judgment having been given in the Queen’s Bench against the now plaintiff, on a special verdict, he humbly hopes the same shall be reversed, for these reasons:—

“That the consequence of this judgment will entirely ruin the plaintiff in his trade, and indeed all other apothecaries; since they cannot (if this judgment be affirmed) use their profes-

sion without the prescript or license of a physician.

“That the constant use and practice which has always been with the apothecaries shall, as we humbly hope, be judged the best expounder of this charter ; and that selling a few lozenges, or a small electuary, to any asking for a remedy for a cold, or in other ordinary or common cases, or where the medicine has known and certain effects, may not be deemed unlawful, or practising as a physician, when no fee is taken or demanded for the same.

“That the physicians, by straining an act made so long ago may not be enabled to monopolise all manner of physic solely to themselves ; and the rather for that such a construction will not only be the undoing of the apothecaries, but also,

“1st. A tax on the nobility and gentry, who, in the slightest cases, even for their servants, cannot then have any kind of medicines without consulting and giving a fee to one of the College.

“2nd. An oppression to the poorer families, not able to go to the charge of a fee ; the suppressing of the apothecaries being to deprive such poor people and families of all manner of assistance in their necessities.

“3rd. A certain prejudice to all sick persons,

on sudden accidents, and new symptoms arising, especially in acute diseases, and in the night, wherein if the apothecary is called, and shall dare to apply the least remedy, he runs the hazard of being ruined, or the patient the danger of being lost.

“For all which, and several other errors in the record, it is most humbly prayed that your lordships will be pleased to reverse the judgment.

SAM. DOD.

“That this representation is a misrepresentation throughout, the following observations upon each paragraph will, it is not doubted, demonstrate:—

“§ 1. That the College of Physicians were incorporated the 10th Hen. VIII. and their charter confirmed, as is pretended, by act of parliament, the 14th and 15th Hen. VIII.

“*Observation.*—The apothecaries would hereby insinuate that the College of Physicians had nothing but a pretence to any act of parliament for their power; which, bating the singular modesty of the expression, is readily confuted by citing the act of the 14th and 15th of Hen. VIII., which confirmed their charter, the clause whereof relating to the present case is as follows:—

“Concessimus etiam .eisdem Præsidenti, et Collegio seu communitati, et successoribus



suis, quòd nemo in dicta civitate aut per septem milliaria in circuitu ejusdem exerceat dictam facultatem nisi adhoc per dict. Præsidentem et Communitatem seu successores eorum qui pro tempore fuerint, admissus sit per ejusdem Præsidentis et Collegii literas sigillo suo communi sigillat. sub pœna centum solidorum pro quolibet mense quo non admissus eandem facultatem exercuit, dimid. inde nobis et hæredibus nostris, dim. dict. Præsidenti et Collegio applicand.—An. 14 et 15 Hen. VIII.

“This act, with this and all its other clauses, was confirmed and augmented with additional privileges, by an act passed in the second session of the parliament of Queen Mary the First, and has been further recognised by the royal charters of Queen Elizabeth, King James the First, King Charles the Second, and King James the Second; all which may suffice to shew that we have more than a pretence of law on our side.

“The practice of physic, even then, was so scandalously invaded by evil and illiterate persons, who abused the credulity of the people with false, though specious, pretences, that the King, in pure care and tenderness to his people, found it necessary to restrain the exercise of the art of physic by a law, with which sentiments of his, his parliament concurred; and to that end Dr. Chambers, Dr. Linacre, and others, were

appointed and empowered to associate to themselves a number of grave and learned men in their faculty, without whose examination and license, under their common seal, none were permitted to practise physic in London, or seven miles round, under a penalty therein mentioned. And lest their care should seem to be confined to too narrow bounds, in circumscribing their power to that small extent, it was further enacted, that notwithstanding a power formerly invested in the bishops, of licensing persons to practise physic within their respective dioceses, that this license should be limited to such persons only as had been examined and approved by the president and three at least of the elects, and were recommended by their letters testimonial, unless the person were a graduate in one of our universities, who had accomplished all things *for his form*.

“ And here we may observe, that even then the bishops, though neither their learning nor sincere intentions were called in question, were not thought competent judges of any man’s qualifications for the practice of physic ; and therefore the president and three of the elects of the College were called to their aid ; so as the person to be examined and approved should wait upon them in London, wheresoever he was to receive his further license.

“ The care of this King and his parliament further appears by their indulgence to persons of true education and literature, in easing the graduates of our own universities, who had accomplished all things for their form ; by which words no man can suppose they intended persons that had taken *any* degree in one of our universities, but those only who had taken *regular* degrees in the faculty of physic ; by which it is plain that they meant to restrain the exercise of that faculty to those only who were approvedly learned in it.

“ Now if men who were of an undoubted and approved learning were by law debarred the exercise of that art, for want of a public testimonial, by degrees, of their application to it, it cannot be supposed that persons of no literature should, upon any less terms than examination, be admitted to this privilege.

“ § 2. That long before, and ever since the said charter and act, the trade of an apothecary hath been looked upon and esteemed a lawful trade, and to consist in the making and compounding medicines, and selling and giving them to all persons wanting the same, at reasonable prices ; and the apothecaries have thus all along practised their trade and profession.

“ *Observation.*—Before that charter and act, the trade of an apothecary was just as lawful as that

of a grocer, for they were the same; plums, sugar, spice, Venice treacle, Mithridate, &c. were sold in the same shop by the same person, and nobody questioned the legality of it, because it was supposed they dealt as fairly in one part of their trade as they did in the other; and the ingredients of an electuary then were as cheap as those of a pudding, and both furnished from the same shop.

“How they came afterwards to be separated in King James the First’s time, their own charter recites; and how they have behaved themselves from that time, since they are so desirous of history, we may have occasion to shew. But here we may observe, that among all the reasons by them alleged for a separation from the grocers, a necessity for a liberty of practice to them was none of them. And though physicians were not then so numerous, nor perhaps more learned, than now they are, yet of all the branches of that lawful trade they speak of, prescribing and advising medicines was none; and therefore, upon the terms they now exercise it, it neither then was, nor yet is, a lawful trade. That they then lawfully exercised their trade, and sold at reasonable prices, is not denied; but that they do either at this time is positively contradicted, and shall be demonstrated if they require it: and

this very case under consideration may serve for one instance.

“ § 3. That several physicians (not so much as educated in, or graduates of, our own famous universities,) being, for the sakes of their fines or other considerations, lately admitted into the College, are now so numerous as to take on them the government thereof, and have fallen into divers methods for monopolizing the whole business of physic, both as to the compounding, selling, and prescribing thereof, and are setting up to enforce every one to buy their advice (whether they like it or not), and this without the consent, and contrary to the will, of the most eminent and best esteemed of their own profession, who are always mentioned by the apothecaries with honour and respect.

“ *Observation.*—That some physicians, not so much as educated in, or graduates of, our own universities, have been put upon the College, must be owned ; but they were not admitted for the sake of fines, or such considerations, as the apothecaries falsely allege, but were imposed upon the College by King James’s charter ; and many of these have been the cause of the disturbances the Society have ever since laboured under. These men excepted, and some that were either physicians to the late king, or are now so to her

present majesty, we may challenge them to mention any one concerned in the government of the College, who is not a graduate doctor of one of our universities, and has not been fairly examined previously to his admission.

“But these ungraduated irregular men are not the persons they quarrel with; on the contrary, they are the favourites and favourers of the apothecaries, and have been the principal raisers and fomenters of those disputes in the faculty which seem, to those who are not rightly enough informed to distinguish the legitimate from the spurious, to divide the faculty itself; and, like the false mother before Solomon, are rather for tearing the child than preserving it, as having no tenderness for that to which they have no title. For this it is the apothecaries are so fond of them, upon a double reason: first, as knowing they have little better right to practise than themselves; and next, for want of a sufficient right, they will stoop to those submissions to them which few regular physicians can humble themselves to,—though it must be confessed, that some even of these have made their court to the apothecaries, by undue means and practices scandalous to their degrees, for which, though the apothecaries call them (with the preceding) the most eminent and best esteemed, they are not envied by the rest of their pro-

fession ; and perhaps the world may ere long become sensible that it is neither their skill nor honesty procures them this character, but a collusion betwixt them and their patrons (the apothecaries) to impose upon their patients, and promote a mutual interest ;—and therefore they must be mentioned by them with honour and respect.

“§4. First, by oaths, bonds, and fines imposed on their own members, and others hereafter to be admitted, for submitting to their new-made by-laws, whereby they are like to keep the management amongst themselves.

“ *Observation.*—The oaths they mention are only promissory of the observing the statutes of the College, than which a more equitable and moral body of laws was never compiled for any private society ; and the bonds were introduced, since this late obtrusion, to enforce these oaths, when some men (of whom the apothecaries are now very fond) were found not to have honour or conscience enough to regard an oath that was not penal, though it bound them to nothing but what moral honesty would oblige them to. As for what they call fines, if they mean the fees of admission, it is practised, in proportion, in the meanest company in London, even their own. As for the making of by-laws, all other companies incorporate claim a right, and exercise it by an-

nexing penalties for the breach of them ; and it seems unintelligible that the physicians alone should be clamoured at for a power which they have given them by law, and which is neither singular nor unequitable, and which they have yet, perhaps, exercised more tenderly than any company in London. This indulgence may, indeed, be a fault in them, at least in prudence, but it is none of the faults the apothecaries would complain of.

“ § 5. Secondly, by setting up divers shops for making and selling medicines, on pretence of charity, but in truth for their private gain, by nostrums (as they call them), which they multiply, and always sell at dear rates.

“ *Observation.*—Here Diana of the Ephesians is concerned, and Demetrius is very busy to cause an uproar amongst the craftsmen ; it is the concern of their trade. The three dispensaries are the divers shops they talk of, where, indeed, many thousands of poor patients (and others) are relieved every year, without the extravagant charge of an apothecary's bill. The case of these dispensaries is thus : The physicians of the College, near ten years ago, did agree and oblige themselves, by one of those grievous by-laws they complain of, to visit and give their advice to their neighbouring poor gratis ; and when the exorbitant exactions of the apothecaries for the



medicines prescribed rendered the charity of the physicians ineffectual to these poor people, and the obstinate refusal of the apothecaries to comply with any moderate rate, though for the poor only, made the case of those poor desperate, a committee of the Common Council of London, before whom this matter was brought, being sensible of the distress of these people, applied to the College, by way of request, to supply the poor themselves with medicines at reasonable rates, which, after a reiterated refusal of the apothecaries, they charitably undertook, and a great number of them entered into a voluntary subscription for the furnishing medicines, without any prospect or intention of profit to themselves, by which subscription many thousands of poor people have been relieved. But that they did it for private gain, or sold any medicines at dear rates, is such a barefaced, groundless calumny as becomes no front but that of an apothecary's.

“Hitherto the physicians subscribing have been so far from making profit of any nostrums or other medicines, that not one of them has been repaid one penny of his subscription-money, nor has any dividend or profit of any kind been thought of or proposed amongst them.

“It is, perhaps, a defect in policy not to have

made that profit which the apothecaries charge them with ; for, had they done so, many of those physicians who now confederate with the apothecaries against them would, for their own gain, have been very zealous in the project, and as insolent towards the apothecaries as now they are humble.

“ It is confessed, that, besides the poor, many rich and noble persons have been furnished with medicines, in their respective cases, from the dispensaries, and that for divers reasons.

“ First, because the physicians prescribing for them were assured that the medicines there were undoubtedly the best ; secondly, because many excellent remedies are there deposited which have never yet been trusted in the shops of apothecaries ; thirdly, because the physician was not obliged to prostitute his honour and conscience, by overloading his patient to oblige a craving apothecary, or to run the risk of being undermined in his reputation by slanderous suggestions, for not submitting to be the apothecary's under pick-pocket ; and, lastly, because he could serve his patient, quantity for quantity, and quality for quality (supposing the apothecary's medicines to be as good as can be made), fifteen shillings in the pound cheaper than any where else, which is a thrift the

greatest man, who does not love to be cheated, needs not be ashamed of.

“ These reasons, it is hoped, may be sufficient to justify the conduct of the physicians in that particular; especially since the apothecaries, by corrupting and sophisticating medicines, by substituting one thing for another, and by their intolerable exactions, have brought the practice of physic to that pass, that a physician cannot practise in the ordinary method without great hazard to his patient's life, or his own conscience or reputation. For if he be not in confederacy with the apothecary, and so connive at and frequently overlook the badness of his medicines, to the hazard of his patient's health, and perhaps life, and in violation of his own conscience, or consenting and assistant to the extravagant exaction of the apothecary, to the great damage of his patient's purse, he is sure to lie exposed to the revengeful insinuations of the apothecary upon every sinister accident which through the malignity of the distemper, the disobedience of the patient to directions, the carelessness or over-officiousness of the attendants, or even the malice of the apothecary himself (of which we can upon occasion give many instances) may happen, and so undeservedly lose his reputation in that family and all others, where the

case shall be reported, which will be as far as the apothecary can carry it.\*

“But since the apothecaries, by an unmannerly insinuation and false assertion, provoke us to take further notice of the use of nostrums (as they say we call them), we are bound to acquaint all mankind with our use of them, and the reason of it.

“Having in the prosecution of our studies and practice improved and enlarged the materia medica by the addition of several efficacious medicines, as well simple as compound, not known before, or not applied to those uses for which we have found them to serve better than any others before in use, we laid under a necessity either of prostituting them to the abuse of the apothecaries, through adulteration, exaction, or presumptuous ill application (by which the best medicines are often brought into disgrace), or to keep them secret, and take from the apothecary a pretence of knowing all our practice, and thereby abusing the people under colour of our authority, as they have so long and so notoriously done, in manifest affront to the law, and to the infinite mischief of the people; but to shew that we do not envy the benefit of our improvements to any legal fair practiser, we have reposit<sup>d</sup> them in the dispensary, thereby likewise to demonstrate that

we are not ashamed to submit them to the most severe and impartial examination. For every legal practiser in this town may, if he pleases, make himself a member of this society upon the terms that others are, which upon the whole implies no more than to be charitable in his profession, and not to abuse our arcana nor prostitute them to those that would; and upon these easy conditions any legal physician may make himself judge of them.

“ But whereas the apothecaries pretend we multiply those arcana, if by that they mean the daily adding of new ones, as fast as the use of them is discovered, we take it for an honour rather than an objection; because, by every useful new medicine so added, the faculty is so much enlarged, and something contributed towards the common benefit of mankind. But if they mean crowding unnecessary medicines or quantities upon the patient, the insinuation is as false as the assertion that follows, viz. that we always sell them at dear rates; for these are the proper vices of the apothecaries, for which many thousands repair to us from them every year for relief, and have it. Indeed, the contrary of both these is so notorious, that there is not one secret medicine kept in the dispensary which is not sold at cheaper rates than any medicine of that form in the apothec-

cary's shop, and given in less quantities upon occasion. And here the apothecaries have given the world a specimen of their ingenuity, as well as manners, in pretending to judge of the price of medicines of which they know neither the ingredients nor composition, and, consequently, cannot judge of the intrinsic value; which, if they did, not knowing the rates set upon them by us, it is an unjustifiable presumption and impudence in them to pretend they are sold at dear rates, or that in truth we do it for private gain.

“ § 6. Thirdly, by vexatious prosecutions upon pretence of a clause in their charter, That none within London or seven miles compass shall exercise the faculty of physic, unless admitted thereto by the president and College, on penalty of 5*l.* per month.

“ *Observation.*—That it is more than a pretence, the above-recited clause of the act of parliament will shew, wherein the penalty of 5*l.* per month is laid upon every unlicensed practiser; whereby we may discover the just concern of the then government effectually to prevent all illegal practising by the greatness of the fine laid; 5*l.* being then, perhaps, equivalent to 30*l.* now.

“ That the College have been far from being vexatious may appear from the small number

of prosecutions, and the perpetual provocations they have met with to exert their power. For the apothecaries, not content to practise physic in its utmost latitude in all cases, and upon all persons that are bold enough to trust them with their lives, have been so insolent as to oppose the calling of any physician till the patient is reduced to the last extremity, and then impose a creature of their own, thereby usurping to themselves the whole disposition of the practice of physic. Yet so indulgent have the physicians been to these unthankful men, that notwithstanding these exorbitant encroachments upon them, this was the first instance of their severity of this kind, as their counsel set forth at the hearing of the present case, which according to them is as follows :

“ § 7. That in the action brought by the College against the now plaintiff in the writ of error, the case appears to be, that one Seal, a poor butcher, being sick, sent to the plaintiff for medicines proper for his distemper, who, not being licensed by the College, without the advice of a physician, and without any fee for his advice, at Seal's request, made up several boluses, electuaries, and julaps, and them sold and delivered to him as proper medicine for his distemper.

“ *Observation.*—Thus the apothecaries re-

present the case; but the true state of the fact is as follows, as is certified under John Seal's own hand, a butcher in Hungerford Market, and from whom any one that will give himself the trouble may be satisfied with the truth of it.

“ ‘ May the 15th, 1704.

“ ‘ These are to certify, that I, John Seal, being sick, and applying myself to this Mr. Rose, the apothecary, for his directions and medicines in order for my cure, had his advice and medicines from him a year together; but was so far from being the better for them, that I was in a worse condition than when he first undertook me, and, after a very expensive bill of near 50*l.*, was forced to apply myself to the dispensary at the College of Physicians, where I received my cure in about six weeks' time, for under 40*s.* charge in medicines.

Witness my hand,

‘ JOHN SEALS.’

“ The question hereupon raised by the apothecaries is,

“ § 8. Whether this be any offence, or illegal? That judgment having been given in the Queen's Bench against the now plaintiff, on a special verdict, he humbly hopes the same shall be reversed for these reasons.



“ *Observation.*—Judgment was given, as they say, which is the only truth we meet with through this whole case; yet even here it is cramped and mutilated, for they know it makes against them to take notice that the judges were unanimously of opinion, after several solemn arguments, that the law runs very positive and plain against this offender.

“ § 9. That the consequence of this judgment will entirely ruin the plaintiff in his trade, and indeed all other apothecaries, since they cannot, (if this judgment be affirmed,) use their profession without the prescript or license of a physician.

“ *Observation.*—If by ruining the apothecaries in their trade they mean taking from them the liberty of prescribing, it is granted that the consequences of this judgment, rightly pursued, would do so; but it does not thence follow that it would take away from them the exercise of any lawful branch of their trade. The very reason given in their charter for the separating them from the grocers' company shews what their whole and sole business was; namely, to make, compound, and sell good and wholesome medicines; but they were neither allowed nor supposed to prescribe or direct the use of them, but to prepare them and make them ready for prescription, according to the known forms or after the particular prescript of the physician. This charter was procured for them by two physicians, Dr.

Mayerne and Dr. Atkins, in opposition to divers persons who, not being of approved skill and integrity, imposed upon the people unwholesome and ill-prepared medicines. But that they should direct physic to be taken, without the prescript or license of a physician, was never supposed nor intended: for their own charter contains a provisional clause for maintaining all the privileges of the College of Physicians whole and entire, the principal of which privileges was to have the sole power of prescribing or directing medicines, and licensing, after examination, others to do so.

“ It would be a gross absurdity to suppose that physicians, who had the sole exercise of the faculty in their hands by law, should petition to let others into the exercise of their part, which was so well secured to themselves; or that they, who were at that time no small number in and about this town, should desire to put 114 men, who were used before to attend them as their servants, upon the same foot and level with themselves.

“ § 10. That the constant use and practice which has always been with the apothecary shall, as we humbly hope, be judged the best expounder of this charter; and that selling a few lozenges or a small electuary to any asking for a remedy for a cold, or in other ordinary or

common cases, or where the medicine has known and certain effects, may not be deemed unlawful or practising as a physician, when no fee is taken or demanded for the same.

“ *Observation.*—To use their own expression, the constant use and practice has not always been with the apothecary; for at their first incorporation they were as humble and mean as now they are proud and presuming; they were content with the lawful exercise of their trade, which was the making up and selling those medicines which were prescribed by the physicians, or serving customers with any medicine called for by name, as other tradesmen do; and the profit of this was sufficient to maintain 114 of them according to their rank and education. But since they increased in pride and in number, they have been forced to have recourse to unwarrantable profits and practices, and to usurp and impose on the people, under pretence of skill which they have not, as well as to exact upon them prices for their medicines which their predecessors could never dream of.

“ These encroachments have been so gradual, and were at first so modest, that the people were not aware nor the physicians jealous of them. We do not mean hereby the selling a few lozenges or other such medicines of known

and certain effect, when demanded of them by their customers by their proper names. This was a practice which, perhaps, though not allowed of by any law, yet was connived at as innocent by those whose power as well as interest it was to put the laws relating to such things in execution, and is not, that we know of, excepted against to this day.

“ But, under pretence of selling medicines to any that ask for them in ordinary and common cases, the apothecaries have taken upon them to advise in all manner of cases, even the most dangerous, to the exclusion of the physicians ; till the danger of the case puts them in mind of calling in some legal practiser, to screen them from the law. But granting they have too long abused the indulgence of the physicians, their modest petition is, that their frequent and early violations of the law may serve for the best exposition of the law against them ; which is just as reasonable as that a notorious pick-pocket upon his trial should be allowed to plead his long use of his slight for his justification, and that the law against those kind of offenders might be superseded by his long impunity.

“ And here they offer a qualification, and are pleased to tell the most honourable the House of Lords what they would have taken for law,

viz. that the taking and demanding of fees only may be deemed unlawful and practising as a physician. This is the trap in which unwary people are taken : they think so much is saved by the sole use of the apothecary as they imagine must otherwise have been given to a physician, and perhaps there might be something in this, if there were any easy and equitable method of taxing the apothecaries' bills ; but that remedy being wanting, they have it in their power (which they seldom fail to use) to pay themselves at discretion for their attendance, by the rates they set upon their medicines in their bills ; and how largely they do it may appear from the case under consideration, where this Seal was left by Rose in a worse condition than he found him, after having squeezed out of him about fifty pounds, and who, upon application to a physician of the dispensary, had a perfect cure there for less than forty shillings' expense in medicines.

“ We have not picked out this case to shew the conscience and skill of the apothecaries, but have taken it because it is the case upon which the question is raised ; for we have many hundred more as extravagant, some of which may come hereafter to be tried. And here we cannot but take notice of the irremediable hardships poor people lie under by the apothecaries,

who often sue them for extravagant bills, and are allowed to justify those bills by the oath of their own servants that these are the usual rates, which, justly taxed, would admit of an abatement of two parts in three, and still include a large consideration for their attendance, besides a profit much above that of any shopkeeper whatever.

“§ 11. That the physicians, by straining an act made so long ago, may not be enabled to monopolise all manner of physic solely to themselves; and the rather, for that such a construction will not only be the undoing of the apothecaries, but also—

“*Observation.*—It was judiciously as well as wittily observed by the late Duke of Buckingham, that laws were not like women, the worse to be liked for being old. Those acts which settle and adjust the right of practising physic, were made in times when the common safety and welfare of the people seems to have been much better considered than it has ordinarily been of late, and the reason set forth in the several charters and acts, was the necessary care of the lives and health of the people in general, when ignorant quacks and apothecaries were not so numerous as at present; and, however that concurrent judgment and authority may fall into contempt with some people, they

were founded upon reasons that remain unanswered to this day. Nor has the greater modesty or sufficiency of the apothecaries since given any just ground to take off those restrictions that were then found so necessary to be laid upon them.

“As for the accusation of straining those acts, it is a rude reflection upon the judges rather than upon the physicians, who had just provocation to ask the protection of the law for their legal privileges, which have been so openly and so insolently invaded for many years last past. The unanimous judgment of the judges of the Queen’s Bench is a sufficient vindication of the College from straining the law; and for the honour of those judges it must be confessed, that if that law could not bear the construction they put upon it, it could bear none at all,—for what case could be within it if not the present? . Rose was not only unexamined and unlicensed, but apparently ignorant, in that he did nothing towards the cure of Seal in a year’s physicking of him, when a physician of the College perfectly cured him in six weeks. The case was not sudden, when it lasted a twelvemonth; it was not charitable, when Rose exacted near fifty pounds of Seal, and arrested him for part of the money, when he was not able to pay it all; and if it was a slight case, the greater fool or

knave was Rose not to cure it. And if any shall go about to exclude Rose's case out of the act only because other cases (quite different from Rose's) may be put (as selling a few lozenges, or a small electuary, &c.), wherein it might be severe to execute the act, he may by the same art elude all penal statutes whatsoever.

“ But the apothecaries allege, in mitigation of the law, that a true construction of it must be their undoing,—as if those very conditions upon which they were incorporated, and by which they enjoy all the privileges they have as apothecaries, must needs ruin that very trade to which they give being; which is such an absurdity as none but men of unparalleled assurance could have the hardiness to assert. And here they plainly shew that an unrestrained liberty of practice is that wherein they place the essence of their trade; for this construction does not at all affect them in the making and selling of medicines, which is the proper and sole business of their trade, when legally exercised, but it debars them from prescribing and advising the use of medicines and judging of cases,—a practice which they have usurped of late, almost to the exclusion of physicians. And here we may appeal to any impartial man:—Who aims at the monopoly? he that advises, makes, and sells



medicines, or he that prescribes only, and is desirous to reserve that branch to himself which the law of the land, as well as reason, has made his sole right ?

“ When the charter for separating the apothecaries from the grocers was granted, the bare making and compounding of medicines, according to the physician’s directions, was thought a task of so much difficulty as to require that some persons who had been most used to it should be set apart for it ; because, in the promiscuous liberty of the grocer and apothecary, dangerous mistakes were made, through the unskilfulness of those that often took upon them to compound from the prescriptions of physicians, without a sufficient acquaintance with the manner and method of making medicines, which were sometimes referred to by very short directions in physicians’ bills, upon supposition that constant use had made them familiar.

“ But it was not in those days supposed that weighing, pounding, sifting, and mixing of drugs was sufficient to make them to judge of their use, and to distinguish distempers with all the variety of symptoms ; and to know which were inseparable, and which were contingent ; and when a disease was simple, and when complicated : nor does it appear that the practice which the apothecaries have since usurped has

made them more able than they were, though it has made them much more presuming.

“It is requisite that the person who pretends to a rational practice should be very well versed in natural philosophy, and know as much at least of the movements of nature as has been communicated to the public, if he has not been able to make improvements of his own; that he should be well acquainted with the animal system, and be able to account for all the vital actions, and whatever may impede them; in order to which he must not only know the structure and mutual correspondence of the vessels, but the nature of the liquors which circulate through them, their several motions, the velocity of them, and be able thereupon to judge of the causes that obstruct or destroy their several actions; and from thence (if no more will be allowed) to conjecture by what proper instruments the natural state and function of these parts is to be restored. To do this with any success, he ought not only to be acquainted with the external face of medicines, and the manner of mixing, (which contains the whole skill of the apothecary,) but to know the certain effects of them, so far as they have been observed, and to be acquainted with the constituent parts of them, and able to distinguish wherein their virtue consists, at least as far as plain and sensible discovery will warrant.

“ Notwithstanding all this, we must and do confess that our discoveries have not been pushed so far but that many things are only to be reached by probable conjecture, which perhaps industry and the inquiry of learned men may in time render more evident, as experience shews us by the discoveries and improvements that are daily made; nor is this any objection to our art, which we own to be yet very imperfect, and know not when it shall arrive to its perfection, for the extent of it is infinite. All nature falls under the consideration of a physician; he that knows most of it is the best; and perhaps human knowledge is so limited that the subject of our art is not to be comprehended by any mortal in its full extent: I say this is so far from being an argument against us, that it is the very best that could be given for us; for if it be so difficult for the most enlightened man, in many cases, to make a certain judgment, how much more must it be so for those whose education has left them wholly illiterate, and destitute of those means that are necessary for the forming of a right judgment where it may be given? Let, then, any indifferent person judge whether one that is from his youth instituted in the knowledge of natural bodies, and exercised in the analysis of all sorts of them, whether animal, vegetative,

or mineral, or one that is only used to weigh, break to pieces some few of them in a mortar, and mix them together by the direction of the former, be best qualified to judge of the cases that come before them, and to direct the necessary means for their cure.

“ If, then, a due observation of the law must ruin the apothecaries, and a neglect of it the whole faculty of physic, let the world decide which is most for their welfare to support.

“ § 12. and 1st. A tax on the nobility and gentry, who, in the slightest cases, even for their servants, cannot then have any kind of medicines without consulting and giving a fee to one of the College.

“ § 13. and 2d. An oppression to the poorer families not able to go to the charge of a fee, the suppressing of the apothecaries being to deprive such poor people and families of all manner of assistance in their necessities.

“ § 14. and 3d. A certain prejudice to all sick persons, on sudden accidents, and new symptoms arising, especially in acute diseases, and in the night, wherein if the apothecary is called, and shall dare to apply the least remedy, he runs the hazard of being ruined, or the patient the danger of being lost.

“ *Observation.*—These two first allegations are so false that the dispensaries were erected

on purpose to relieve people of all ranks and conditions from the oppression and exactions which the method of practising physic then unavoidably submitted them to. For whilst the apothecaries had the sole dispensing of medicines, whether by their own advice or a physician's, it was impossible to regulate those exorbitant rates which they set upon their medicines ; and though the physicians did generously offer to give their advice gratis to all poor people and servants, yet their charity was for a time defeated, because the apothecaries would not agree to any limitation of gain, and they had then no other place to resort to for medicines ; so that they know the want of charity, which they reproach us with, lies at their own door. It is sufficiently notorious, that the physicians in general are not backward in giving their advice gratis to servants in those families where they are employed by the masters, when they have occasion. But if there be any amongst them that are obnoxious to this reproach, it is well known they are the men whom the apothecaries most affect to cry up, and whom, as they say, they mention with honour and respect.

“ As for poor families, the dispensaries alone could furnish us with fifty thousand witnesses that we are careful of them even to our expense,

without any consideration for it; and to satisfy all mankind of the truth of this, we are willing to put the government of our charity into the hands of any persons of honour and integrity who will take upon themselves that trouble, and, as in the hospitals, receive and pay all; and if any profit arise, the same persons shall have the disposal of it so as may best serve the ends of this charity.

“ The world would think us mad if we should seriously ask them who lays the greater tax upon the people,—the apothecaries, who will not let the poorest wretch have any thing without an extravagant gain, or the dispensary physician, who gives his advice gratis to all poor people and servants, and furnishes them with medicine at the intrinsic value of the drugs and labour? But the true ground of the apothecaries irreconcilable quarrel to the dispensaries is, that these hinder them from grinding the faces of innumerable poor, and sometimes let persons of better substance see how grievously they are imposed on by the apothecaries in the price of medicines, by which, in most cases, their profit more than doubles the customary fees of a legal physician. This will readily appear to any man that has a family, upon examination of his apothecary's yearly bill; for, deducting fifteen shillings in the pound,

which is a very moderate computation of the overcharge in their bills, he will find how much might have been allowed for a physician's attendance, and how much saved when that was honourably paid; which might well put masters of large families in mind of reviving the ancient practice of retaining physicians by annual salaries, whereby not only the charge would be less, but much better advice would be given to the sick than now they have.

“ As for sudden cases, wherein a physician cannot conveniently be called in time, they are in no danger; for as necessity requires it, so no physician ever objected against it. But certainly no persons within the bills of mortality live so far from a physician as not to be able to call one in four-and-twenty hours time; after which, if the apothecary persists to presume upon his own judgment alone, he has no right to plead the suddenness of the case.

“ And now, having done with the case, and, as it is presumed; sufficiently shewed it to be wholly misrepresented, we must beg leave to make a short observation upon the prayer, which is this—

“ For all which and several other errors in the record, it is most humbly prayed that your lordships will be pleased to reverse the judgment.

“ SAM. DOD.

“ What errors Sam. Dod did find in the record, we know not ; but if he found as many as appear to be in this case, as signed by him, we wonder not if he carried the cause for his client. But if alleging (several other errors in the record) be only words of course, as we conceive, and all the arguments for a reversal were to be taken from the case, and the case be altogether false, and in several particulars scandalous (as in the third and fifth paragraphs), though under-written by Sam. Dod, we think Mr. Dod and his client guilty of the greatest abuse that was ever offered to the most honourable House of Lords, and must leave them to their lordships’ judgment.

“ To conclude ; we expect the clamours of the apothecaries, and that they should tell the world that they are masters of our whole practice by having our bills upon their files ; that what is said is the result of the malice of a few people only, who want business ; that the greatest physicians, ‘ *whom they honour,*’ are of their side ; that it will be hard to ruin a great number of families who subsist by practice as apothecaries. But if it do appear to the public that this practice is a cheat, contrary to law, contrary to reason, contrary to the health of their bodies, and contrary to the interest of their purses ; that the apothecaries sophisticate



medicines; that they frequently substitute one thing for another, injudiciously, and without warrant, and that they are oppressors in their bills; it is hoped that what they shall say of the persons concerned in this answer will make no impression upon any man. For we do here protest, that if they (or the physicians whom they honour) are able to shew us any injustice done in these observations upon their case, we are ready to retract it as publicly as we have done it; and therefore challenge them to shew it; which if they do not, the world will have reason to conclude, from their silence in public, that what they vent to the contrary in private is false and scandalous, and receive them accordingly.

“ And a little to check the vanity and presumption of a practising apothecary, we shall add the opinion (not of a physician, but) of the prince of philosophers concerning such an animal:—

“ ΣΩ. Εἴ τις προσιλθὼν τῷ ἑταίρῳ σου Ἐρξιμάχῳ, ἢ τῷ πατρὶ αὐτοῦ Ἀκουμένῳ, εἴποι ὅτι ἐγὼ ἐπίσταμαι τοιαῦτ' ἅττα σώματι προσφέρειν, ὥστε θερμαίνειν τε εἰὰν βούλωμαι καὶ ψύχειν, καὶ εἰὰν μὲν δόξῃ μοι, ἐμεῖν ποιεῖν, εἰὰν δ' αὖ, κάτω διαχωρεῖν, καὶ ἄλλα πάμπολλα τοιαῦτα· καὶ ἐπιστάμενος αὐτὰ, ἀξιῶ ἰατρὸς εἶναι καὶ ἄλλον ποιεῖν ὃ ἂν τὴν τούτων ἐπιστήμην παραδῶ· τί ἂν οἶσι ἀκαψάντας εἶπειν; ΦΑΙ. Τί δ' ἄλλό γε ἢ ἔρεσθαι εἰ προσεπί-

σταται καὶ οὓς τινὰς δεῖ, καὶ ὅποτε ἕκαστα τούτων ποιεῖν, καὶ μέχρι ὅπου. ΣΩ. Εἰ οὖν εἴποι ὅτι Οὐδαμῶς· ἀλλ' ἀξιώ τὸν ταῦτα παρ' ἐμοῦ μαθόντα αὐτὸν οἶόν τ' εἶναι ποιεῖν ἃ ἐρωτᾷς; ΦΑΙ. Εἴποι ἂν, οἶμαι, ὅτι μαίνεται ἄνθρωπος, καὶ ἐκ βιβλίου ποδὲν ἀκούσας ἢ περιτυχῶν φαρμακίοις, ἰατρὸς οἶεται γεγονέναι, οὐδὲν ἐπαίαν τῆς τέχνης.—*Platon. Phædr.*

“ Which (lest they may not understand it) we will let them into the meaning of.

“ *Socrat.* If any one should come to your acquaintance Eryximachus, or to his father Acumenus, and should brag to them, I know the use of medicines so well, and can so apply them to the body, as to make it hot or cold when I please; I know likewise what will vomit and what will purge, or indeed provoke any other evacuation; and, understanding these things, surely I may very well set up for a physician, and be able also to instruct even my apprentices in the whole mystery of physic: how do you think would they answer him?—*Phædr.* How should they, but by asking him whether he likewise understood to whom, or in what cases, and when, and in what proportion, every one of these things is to be given?—*Socrat.* But if he shall own his ignorance as to these circumstances, and shall turn it off, by saying that those that will trouble themselves with these niceties must have recourse to men that

have been educated in the way of considering them; but, for his part, he perfectly understands what he told them, which he thinks very sufficient to make any man a physician; what would they answer him?—*Phædr.* What, but that the man was certainly mad, who, upon the pretence of receipt-books, physicians' bills, or for having been present at their cures, thinks he is presently become a physician; when, for want of a proper education he can have no true understanding of the art."

The judges, it may be observed, were unanimous; for the law was clear. Whether they thought it good or bad, they had no option. But the jury, we are told, would have given a verdict in favour of the apothecaries, but for the charge from the bench. Whether the House of Lords, who felt authorised to judge according to equity and justice, rather than the strict letter of the law, saw the matter in its true light, and considered it a hardship that the public, whilst they were prevented by the College monopoly from having a sufficient supply of medical advice from the usual and ordinary sources, should also have all other sources of medical aid shut against them; or whether they were convinced by the statements of the apothecaries, into whose hands nine-tenths of the practice of physic had long

actually fallen ; certain it is, that they reversed, and very properly reversed (since they did not think fit, which would have been still better, to abolish the College monopoly) the judgment of the court of Queen's Bench.

The observations of the commentator on the case of Rose (who is evidently a member of the College), would, under ordinary circumstances, have been correct, and his arguments conclusive ; but the whole of his reasoning is vitiated by his having overlooked the extraordinary situation in which the public and the profession were placed, by the limitation to the number of physicians enacted by the College. He says, that “ *no persons within the bills of mortality live so far from a physician as not to be able to call one in four-and-twenty hours' time :*” and he appears to think that the apothecary, *who is prohibited under penalties from practising physic, ought to keep the patient alive for the first twenty-four hours of his malady, or until the physician of the College shall find it quite convenient to attend ; “ after which, if the apothecary persists to presume upon his own judgment alone, he has no right to plead the suddenness of the case.”* Now, if, according to the confession of this member of the College, it required twenty-four hours, in ordinary periods, to get the aid of a physician, what must have been the con-

dition of the inhabitants of London, during an epidemic, as in the plague of 1665! And what would be their still worse condition, in modern times, in a season of pestilence, were their safety to depend upon the few physicians of the College!

The dispensaries, and the dispensing of medicines to the poor at prime cost, were now made the war-horse of the College against the apothecaries. Some of the fellows of the College, particularly Dr. Merrett, had even proposed to dispense, or did actually dispense, the medicines used in their own practice. This was the state of things in the latter part of the seventeenth, and the early part of the eighteenth century. But these, and all the other stratagems of the College, were unable to stop the progress first of the emancipation of the apothecaries, and afterwards of their subjugation of the physicians. In 1724, the College, no doubt with a view to prevent or retard these results, by retaining some indirect power over the apothecaries, applied for a renewal of a law, which had expired, respecting the examination of drugs; against which renewal, the following remonstrance was printed by the apothecaries:

*“ Reasons humbly offered against continuing of the Act for better viewing, searching, and examining of Drugs, Medicines, &c., as the same now stands.*

“ The apothecaries are far from being averse to a search of medicines, or from having faulty and defective medicines destroyed; but humbly hope that matter shall be put into such a method, that the property, reputation, and, consequently, the livelihood of so great a number of persons as exercise the trade of an apothecary, shall not be subjected to a final determination, but under the same guards and cautions which the rest of their fellow-subjects have for their security.

“ As it is allowed that an appeal from the judgment of the censors is reasonable, it is conceived equally reasonable that such appeal should be determined by persons wholly indifferent and unbiassed. How far the College are likely to prove so in respect of the judgments and determinations of persons of their own body, and of their own choice, is easy to foresee, especially when it is further considered :

“ First, That for a long time a jealousy has been entertained by the members of the College, that the apothecaries have encroached

upon their faculty, by sometimes, in ordinary instances, and in the cases of poor persons, children, and servants, giving physic without calling in a physician; and that the temptation to crush those who for the future shall presume to do so will be very strong, when they shall have it in their power so easily to effect it.

“ Secondly, That, besides the ordinary *propension* towards aggrandising their body, it may be very easily conceived that it will be thought (by some, at least) to be the interest of the College to keep the apothecaries in a subjection to and dependence upon them, no apothecary will then dare to relieve a patient, though in the utmost extremity, for fear the patient’s physician should be made his judge in a little time, and in that capacity gratify his resentment, which may prove a mischief of no small consequence.

“ Trial by *jury* is in most cases the right of the subject; and there seems to be no reason why apothecaries, in a matter of this moment, should be excluded from it, and be subjected in so extraordinary a manner to the College of Physicians.” (Pp. 2, 3.)

The use, or rather abuse, which the College made of the renewal of this extraordinary law, may be deduced from the following narrative :

*“ Brief for James Goodwin, Chymist and Apothecary, upon his Petition to the Right Honourable the House of Lords, against the Bill for continuing an Act, intituled, An Act for the better viewing, searching, and examining all Drugs, &c.*

“ That the said Goodwin dealt in the business of buying and selling drugs, and making and selling of chymical and Galenical medicines for above twenty years past ; and in the year 1721, the said Goodwin applying himself to the Royal African Company, to supply them with drugs and medicines, two apothecaries, of whom the said company had bought some goods, by the recommendation of Dr. Levit, and with the assistance of the said Dr. Levit, endeavoured, by all means imaginable, to prepossess the gentlemen then in the direction to his the said Goodwin’s prejudice ; upon which a hearing was appointed betwixt the apothecaries and the said Goodwin, before the court of assistants, in which the said Goodwin gave so great satisfaction to the court, that they appointed him to furnish the medicines they wanted for their ships and factories. Upon which the doctor and apothecaries vowed revenge, and have ever since stuck at nothing to accomplish it, as by the sequel will appear ; and by a combination amongst them undertook to get an act of parliament, whereby



they might have a power to put in execution their premeditated revenge. The censors of the College used to come once in every year to examine the said Goodwin's drugs and medicines; but never complained of any thing until the act was procured, although Dr. Plumtree, who was the most forward in these violent proceedings against him, and was censor the year before, was mighty complaisant and civil. No sooner had they got the power they wanted, but they began to thunder out their anathemas, and one of them in particular declared in company, that they now had got an act of parliament on their side, and that Goodwin ought to be destroyed, and that they would go as far as they could towards it. The person that told Goodwin this was Mr. James Brackstone, an apothecary in Cheapside, who told him he might be assured of the truth thereof, and as a token told him the very day the censors would come to visit Mr. Goodwin's shop, and he staid at home on purpose to receive their first fire. They came accordingly, with a great deal of rancour and ill-nature, and walked about whispering one with the other. Being disappointed for that time of putting their evil intentions into practice, at their going away, Dr. Plumtree, in a haughty manner, told the said Goodwin, that he must take care to keep good medicines, or they would be

very severe upon him: to which the said Goodwin replied, 'Gentlemen, if you'll be so kind as to let me know what is amiss, it shall be rectified, and I will take care to keep the best drugs, and make the best of medicines.' This was about the 20th of May, 1724. Nothing material happened, excepting the frequent threats that a fire was to be made at his door, until the 7th of June following,—when meeting one of the directors of the East India Company in the street, who said, 'Mr. Goodwin, what do you design to do with the doctors? I was in company with some of them, who declare they will do you all the prejudice they can, and will be with you in a few days. And accordingly, in three days after, the censors came to his shop, and, he and his wife being both absent, they acted in a most barbarous, inhuman, arbitrary, and fraudulent manner, which he hath evidence to prove. First, they asked his servants if their master was at home? who answered, 'No.' Then they asked if he was any where in the neighbourhood? They answered, 'No; he is gone to the African house.' Then they replied one to another, 'Come, let us begin; now is our only time:' and, although his servants begged they would stay whilst they might send for their master, and not destroy his goods in his absence, yet these unmerciful men, on whom no entrea-

ties or prayers could prevail, took out of his house divers goods, being good in their kind, and made a fire before his door, and ordered their beadle to throw them in; and, when they had so done, they having found some old plasters that was not the property of him the said Goodwin, but the goods of other persons that came back in surgeons' chests from Africa, some of which had been out of England two or three years; having collected these together, they wanted to expose him further, and called for a box, and put them in, and then persuaded his servants to appeal to the College for them, who refused; but one or other of them persuaded them that it would be for their master's advantage to appeal, and asked them over and over above twenty times before they would consent; and that two or three of his servants, after the physicians had by artful arguments persuaded them to appeal, declared that the first thing they would appeal as to was a glass of lapis contrayerva that stood ready for destruction before them; but the physicians ordered it to be thrown into the street, and would not permit them to appeal as to any thing but what they pleased. It is also to be further observed, during their stay in the shop, which was about three hours, divers persons came to buy goods, whom the physicians by one action or other turned away, and particularly one of

them said, there was nothing good in the shop..

“After this was over, and they having sent to the College those things they had a mind for, they went to another shop of the said Goodwin’s, in Charles Street, in Westminster, where they began in the following manner; viz. ‘Whose shop is this?’ The servant there told them, ‘Mr. Goodwin’s.’ The physicians said, ‘Is no one concerned with him?’ The servant answered, ‘No.’ Then they said to him, ‘Are you sure of that?’ He said, ‘Yes.’ ‘Well then, let us go to work.’ So they threw two or three things out into the street, and after that asked the servant to appeal, which he absolutely refused, saying, he had not been long in the shop, and had no directions from his master so to do; then they sent for a box, and packed up divers goods, and sealed it up with two seals only, without any appeal, and sent it away to the College, and took care the very next day to have it put in divers public newspapers, in order to ruin him, and destroy all his country trade; and sent the said Goodwin a summons to his dwelling house, to attend as the act directs, and also sent him a summons to his shop in Westminster, to attend also upon those goods. The said Goodwin went accordingly, and was carried up stairs into a room like a cockpit, where he with

his servants were locked in ; and though he had a friend to meet him there, and desired to come in, was not suffered. After opening the box, and producing the medicines, and reading the appeal, the physicians were so far from being judges, that not one of them was able to tell the quantity of any one drug they thought deficient in any one of the compositions ; and though he, the said Goodwin, brought sufficient proof of the truth of each composition, and even such proof as would have convinced any honest or unprejudiced persons, yet, notwithstanding all that the said Goodwin could say or do, the physicians said they were not like the samples they had procured. He, the said Goodwin, argued against such fallacious reasonings, and offered to prove that no judgment could be given by those samples ; and to confirm them therein, assured them that he was provided with ingredients for the composition of those medicines, and prayed to be permitted to mix them before them, which would convince them of the goodness of his medicines ; but was refused, and ordered to withdraw ; then he was called in again, and asked what he had further to say before they passed judgment upon his medicines ; whereupon he begun first with one, and then another, and in short went round the cockpit, and challenged every man of them, and

demanding the reason of such violent proceedings against him; and particularly he directed his discourse to Dr. Plumtree, and said, ‘ Sir, you seem to be very hot in this affair; I remember you was not so last year: if you knew my goods were not good, why did you not then complain or destroy them?’ He made answer, *he knew a trick worth two of that; they then had no authority.* Then Goodwin directed his discourse to the president, and complained of the abuse the censors had done him, in persuading the servants to appeal to some things, and refuse after they did appeal, and even force things from them by violence, and destroy them. The president excused himself from that, saying, the censors knew best their power, and how to act therein. Mr. Goodwin challenged the whole College then present, and in a particular manner Dr. Shadwell, saying, he had then kept a shop near twenty years, and demanded of them if ever any person whatever had complained to the College as a body, or to any private member thereof separate, that he, the said Goodwin, had, during that time, ever sold, or offered to sell, any bad medicines or drugs whatsoever; and that he, the said Goodwin, had supplied divers of those gentlemen with medicines, and desired to know if any of them could complain that they ever had any one

thing from him bad or any ways defective ; and that he had made up many of their prescriptions, and did ever any one complain that the medicines so prescribed had not the desired effect ? They then did all declare they never had any such complaint, nor to their personal knowledge did ever remember any thing like it ; whereupon Mr. Goodwin answered, ‘ For God’s sake, then, what can be the meaning of such violent procedure ? ’ Then he desired they would open the other box that they took from Westminster : then Dr. Plumtree laughed at him, and said, he knew nothing of it : then Goodwin answered, ‘ Sir, don’t trifle with me, but shew me the goods you took away according to this summons.’ They answered, there was no appeal. Goodwin answered, he knew that, and therefore desired they would deliver him his goods, which were wrongfully carried away. They all said they knew nothing of it, and ordered him forthwith to withdraw ; and after some time they sent out for the balloting-box, in order to ballot away, as he believes, his goods and good name ; and afterwards called him in, and told him they had condemned them, and that they must be destroyed. The said Goodwin protested against their proceedings, and declared they were partial and prejudiced, and went his way.

“ After that, the said Goodwin was prevailed on by his friends to go to the censors, to desire, as they had before exposed him in so public a manner, that they would consider that, as they had got those medicines condemned, he hoped their resentment was satisfied, and not to burn the others, which would utterly destroy him and his family; that he had been many years in the business, and had taken a great deal of pains to procure a good repute amongst mankind, and it was very hard to be thus torn in pieces by violence and prejudice. Then answered Dr. Bale, he should not have justified his medicines. Goodwin then pulled out a letter which he had received from Lincoln, from a servant of his, who had lived with him about three years, and chiefly took care of the making the compositions, which letter could not be obtained before the College met according to their summons; but company coming in, the said Goodwin left the letter with the doctor, without any other favour than as they had got them condemned, they should be disposed of according to the rescript, as he called it. After that the said Goodwin went to wait on Dr. Arbuthnot, who used him much civiler, and told him he was mighty sorry things had gone so far; that it was contrary to his inclination; that the prejudice came out of the city, and



that he would assure him that those things they had at the College should not be any more publicly but privately destroyed. This was on a Saturday ; and on Monday the same Goodwin had some business which called him to Richmond ; and in his absence that day, the censors of the College came before his door, with a coach-load of faggots, billets, &c., and at noon-time of the day made a great fire, and burnt the things, and made such a noise and uproar as almost affrighted Mrs. Goodwin (who was then at home) to death, and which was put again into the newspapers, in order to do him all the prejudice imaginable.

“ N.B. That the said Goodwin hath, during his trading before that time, been always and upon every account reputed a man of credit and integrity, and hath dealt for above 100,000*l.* in his own trade of drugs and medicines ; but by the power of this act he is incapable of serving himself, his family, or his country ; his customers, though his friends, dare not deal with him, upon account of this public scandal ; his debtors refuse to pay him, and plead the badness of his goods, and for proof produce the public papers ; for instance, of this last piece of injustice he complains with great cause of Sir John Shadwell, a member of the College, who was indebted to the said Goodwin.

“ In short, the said Goodwin declared he might be as well quite outlawed; for he, by this usage, is deprived of the common property of a subject.

“ All that Mr. Goodwin desired was, that these hardships might be considered, and that as well he as the rest of the apothecaries in London, and seven miles circuit, may have the liberty of the meanest subject in England; that upon any proceedings of the physicians, the person aggrieved may have the liberty to appeal to common law; for that he could prove the physicians are not judges, nor ought they to be trusted with such a power as they have obtained, and so unjustly put in execution. It is a poor story to tell the world (if it was true) that they found five or six bad articles out of 3 or 4000 good ones. If any one else was to be examined with that violence, no one can stand their fury, their power is so extensive; they are at liberty to destroy whom they please.

“ He told their lordships the difference between those gentlemen he complained of and those that came the next year; for on the 19th of May, 1725, Dr. Mead, Dr. Hale, Dr. Dodd, and others, came to his house, and inspected his medicines, and particularly theriac. Androm., diascordium, aquæ absynth., c. spec. hieræ, oxycroceum, mellilot, crocus, rhubarb, sper-

maceti, cortex peruvianus, pulv. gasconic. sty-rax, &c., and were well satisfied with every thing, without any complaint; and Dr. Mead, in particular, expressed himself, and said, '*I am well pleased to find every thing so good.*' MOST OF WHICH WERE PART OF THE SAME PARCELS DESTROYED THE YEAR BEFORE.

“ He said he desired the censors of the College may demonstrate to this honourable house, out of above 1000 apothecaries' shops in London and seven miles circuit, how many they have destroyed in so public a manner.

“ He said, *My Lords, as this bill now depending before you was supposed to be calculated for the good of mankind, it is to be feared its sole intention by the doctors was only to aggrandize themselves, and oppress and utterly destroy any person to whom any of their body had a prejudice.*

“ Therefore it is humbly proposed, if the said act is continued, the physicians may not be final judges; for how can a man judge of the composition of sixty ingredients, when the same person cannot tell the name of one in ten of them when separate, much less whether it be good or bad?

“ N.B. There is a clause that a man may refuse such search, *paying the doctors ten pounds*; but the subject hath no benefit thereby; *although he knows they come with prejudice in order*

*to ruin him, he dare not resist!* by reason the doctors are not restrained to any time, but *may come every day and every hour, and levy 10l. upon every refusal*, until they have utterly destroyed the person they please."—(Case of James Goodwin, 1724, pp. 49—59.)

The bill was renewed for three years.

#### 4. COLLEGE PROCEEDINGS AGAINST EMPIRICS.

In the 33d of Henry VIII. John Wisdam and John Lister were sued by the College in the Court of Exchequer, for practising physic. Judgment was given against Wisdam for 10l., and against Lister for 30l. (P. 305.) Ten pounds and thirty pounds, it is to be considered, were very large sums at that period.

About the same time, one Hammon compounded with the College, and engaged not to practise physic for the future. (Id.)

In the reign of Edward VI. several practisers of physic were examined by the College, and found so unfit for the practice of that art, that they were rejected; others were punished according to public statutes, and others fined. One Grig, a poulterer of Surrey (taken among the people for a prophet) was, by command of the Earl of Warwick and others of the council, set on a scaffold, in the town of Croydon, with

a paper on his breast, and after that set on a pillory in Southwark. “Of the like counterfeit physician (saith Stow) have I noted (in the Summary of my Chronicles, *Anno* 1382) to be set on horseback, his face to the horse-tail, the same tail in his hand as a bridle, a collar of jordans about his neck, a whet-stone on his breast, and so led through the city of London, with ringing of basins, and banished.” (P. 306.) Notwithstanding these and other equally philosophical modes of suppressing quackery, we find empirics regularly increase and flourish in each successive reign; the cause of these effects being permanent, and continually increasing in force.

In the second of Queen Mary, “a great number of empirical impostors (we use the language of Dr. Goodall) were prosecuted and punished by the censors of the College, amongst whom was one Charles Cornet, a Fleming (an impudent and ignorant buffoon), who would not be restrained from his ill-practices, with the bills of his condemnation affixed at the corners of streets, nor yet with imprisonment itself, being patronised by Hugh Weston, dean of Westminster, and Roger Chamley; the College, nevertheless, by virtue of the laws and favour of the Lord Chancellor, several of the nobility, and the king’s physicians (Dr. Roper and Dr.

Vaughan), prosecuted him with all vigour and care, whereby he was forced not only to flee the town, in spite of Weston and Chamley, but likewise out of those privileged places where he had sheltered himself (first in St. Martin's, in London, and after in Westminster), they being also imprisoned who in St. Martin's had afforded him a retreat. The censors did likewise cause his unwholesome and sophisticated remedies to be burnt in the open markets at Westminster." (P. 308.)

If empiricism was not suppressed, we see that it was not for want of power to prosecute, or of an inclination to use it. In 1556, the College having performed prodigies against the empirics in town, constituted several visitors throughout the country, with authority not to suffer any to practise physic but graduates of Oxford or Cambridge, or persons licensed by themselves. All others were to enter into recognisance, that they would not practise until they had been examined and approved; and such as refused obedience were to be imprisoned: But as the interests of the monopoly were not so much concerned in the country, the persecutions of the College were not so well sustained, and in time they fell into disuse.

Throughout the succeeding reigns, the prosecutions in town kept regularly increasing.

Early in the reign of Queen Elizabeth, "it was ordered by the College, that the president should enter an action against Dr. Lewes, judge of the admiralty, for suffering William Rich, an empiric, committed to his care in the Marshalsea, to practise physic, against the laws of the land, his own trust, in contempt of the College, and to the great prejudice of the queen's subjects." (P. 314.)

Women were not unfrequently the subjects of these prosecutions. One Emma Baxter, "an impudent and ignorant woman" (p. 315), and one Margaret Kennix, "an outlandish, ignorant, sorry woman," were prosecuted. (P. 316.) Sir Francis Walsingham, secretary to the queen, interfered with the College for the latter. (P. 317.)

The wife of Thomas Thumwood, with her husband, entered into a penal bond of 20*l.* that she should not practise physic for the future. (P. 319.)

Tomazine Scarlett, who could neither read nor write, had hundreds under her care; she was repeatedly fined and imprisoned. (P. 326.)

Cecilie Popple, with her husband, entered into a bond that she should not practise in future. (P. 349.)

Katharine Clarke fined 5*l.* and imprisoned for illicit practice. (Id.)

Mrs. Woodhouse, a famous empiric living

at Kingsland, underwent a curious examination by the College, respecting the virtues of pepper, violets, and strawberries. She had procured a protection from the lord treasurer, but was obliged to give bond. (P. 354.)

In King James's reign, Anne Dickson was accused of killing a patient, committed to prison, and fined 5*l*. (P. 357.)

Rose Griffin arrested in the name of the College, and sent to prison. (P. 365.)

Mrs. Sadler interdicted from practice. (P. 368.)

Mrs. Paine, "a bold and impudent woman," fined 10*l*., ordered to be committed to prison, and prohibited from practice. (P. 369.)

Mrs. Bryers, an old woman, fined 5*l*., and ordered to be imprisoned. She again practised, and was again fined. (P. 375.)

Mrs. Bendwell was fined and prohibited practice. (P. 394.)

Ellen Rix, fined 5*l*., imprisoned, and required to give bond that she would not practise in future. (P. 401.)

In the reign of Charles the First, Susan Dry, accused of giving drinks of 10*s*. a bottle, was fined and imprisoned. (P. 439.)

Mary Butler, for illicit practice, was sent to Newgate, and fined 15*l*. (P. 446.)

Mary Peak was, "for her foolish and desperate practising physic," fined 10*l*. by the



censors of the College. Her imprisonment was remitted. (P. 466.)

Ministers of state, privy counsellors, and even royal personages, did not unfrequently interfere to prevent the ruin to individuals, without any advantage to the public, from these sweeping prosecutions of the College. Their principal results were to transfer the money earned by the empirics from their patients into the coffers of the College, and to occasion the necessity of a constant succession of less experienced practitioners, to supply the place of those who had been imprisoned, or obliged to fly the kingdom; for the public, when legitimate aid was not within their reach, would not dispense with such assistance as they could procure, even if illegitimate. The empirics no doubt availed themselves of these circumstances to make high charges, and we see that they were often handsomely remunerated. They could, therefore, afford to suffer fine and imprisonment; and accordingly we find them, after having undergone repeated prosecutions, as ready to recommence practice as ever. The College, it may be presumed, could not have been altogether blind to this obvious relationship between cause and effect. But it suited their purpose admirably to profit by this multifarious operation in their favour of the mo-

nopoly which they had imperceptibly established, whilst, from superficial observers, they got great credit for their professed zeal for the public welfare, in the unsparing prosecution of what they called quacks and impostors. Perhaps, also, those of the public who were not able clearly to reason upon the subject might have felt that they would not have a less chance of recovery from sickness by the treatment which experienced empiricism enjoins, than by the random practice which is the result of the dogmas or conjectures of the schools; and that, if both kinds of assistance had been equally at hand, they would do well to resort in preference to the professors of empiricism. Nor ought such a determination to surprise us, when we minutely attend to the nature of the proceedings which have been recorded by the historian of the College.

It was usual with that body, in answer to the intercession of persons of consequence in favour of those whom they were prosecuting, to refer to the solemn oath by which they were bound; and, as if their zeal was not sufficiently enlivened by the pecuniary interest which they had in the matter, it was contrived that the King should write to them from time to time, requiring them to put the laws against empirics rigidly in force, (p. 372); and to the Lord Mayor, Aldermen, and Jus-

tices of London, commanding them that they would assist the president and censors in suppressing empirics and illegal practisers. (P. 374.) *These offenders were not allowed to be bailed even by the Lord Chief Justice. (P. 345.)* Keepers of prisons were prosecuted for suffering them to make their escape. The powers of the College in these respects were indeed most arbitrary. On the fate of persons accused of mal-practice, for instance, they were authorised to decide without appeal; as we learn from the following extraordinary solution of a question, put, among others, by the Lord Chancellor to the Judges, in 1607. Being asked, "Whether the party committed for unskilful practice may have an action of false imprisonment against the College, and thereby draw in question or issue the goodness or badness of the physic?" the Judges unanimously resolved, "That the party so committed, was concluded by the sentence and judgment of the four censors of the College of Physicians." (P. 281.) It is worthy of remark, that, although the term "censors" was unknown until the charter of James I., their designation having till then been "*supervisors*," Dr. Goodall invariably applies the former term to all periods, apparently unwilling to allow the progress of the studied encroachments of the College to be perceived.

The empirics prosecuted, fined, or imprisoned, by the College, during the reigns of Queen Elizabeth, and of Kings James and Charles I., were too numerous to admit of being even mentioned by name. Application was made in favour of some of them by such men as Mr. Secretary Walsingham, the Lord High Admiral Howard, and other public officers, in whose service they happened to be, or to whom they had been recommended, or been of use as practitioners of medicine. In 1627, one Lamb, being prosecuted by the College, the Bishop of Durham interceded in his behalf, and he was examined. The following is a specimen of the questions and answers upon this occasion: "*Being asked in astrology what house he looketh into to know a disease, or the event of it; and how the Lord Ascendant should stand thereto*"—he answereth, "*he looks for the sixth house; which being disproved, he saith, he understands nothing therein, but what he hath out of Caliman; and being asked what books he hath read in that art, he saith he hath none but Caliman.*" (P. 400.) What is the difference, can any man tell, between the examiners and the examined?

There is another very curious case, with which we shall conclude our view of the prosecutions of the College against empirics.

On the 20th of October, 1637, on the com-

plaint of Mr. Clowes, Sergeant-surgeon to his Majesty, against one Leverett, a gardener, for practising and taking upon him to cure the king's evil, and all other diseases, by the touch, he was cited before the Board of Star-chamber, and heard in whatsoever he could allege for himself. Their lordships conceiving his pretended cures to be impostures, did then order that the president and some of the principal members of the College of Physicians should be authorised and required forthwith to call the said Leverett before them, and to examine his said pretended cures, as well upon such information and proofs as shall be given them by Mr. Sergeant Clowes, as by any other ways and means which they shall think fit for the discovery of the truth. And likewise to cause him to make experiment of his said cures in their presence, and thereupon to make certificate to this Board of what they shall find appear before them, and of their opinions concerning the same; and in the mean time, the said Leverett was to continue in the messenger's custody. There were present, the Archbishop of Canterbury, the Lord Keeper, Lord Treasurer, Lord Privy Seal, Earl of Dorset, Lord Cottington, Lord Newburghe, Mr. Treasurer, Mr. Comptroller, Mr. Secretary Coke, Mr. Secretary Windebank. (Goodall, p. 447.)

*“ Accusations laid to the charge of James Leverett, an impostour and cousener of the King’s people, under pretence of being the seventh son of a seventh son, by curing or healing all manner of Diseases, especially the King’s Evil, by way of stroaking or touching with his hand, without the using of any Medicines, either internal or external.*

*“ Imprimis. He blasphemously saith, when he stroaketh any to cure them, there goeth out of him so much virtue and strength, that he doth not recover it in so many days, to the great dishonour of God.*

*“ 2. He scornfully slighteth his Majesty’s sacred gift of healing (by his blessed hand) that disease commonly called the king’s evil, in comparison of his cure, to the dishonour of his Majesty amongst his subjects.*

*“ 3. He saith, he cannot touch any (to heal them) until he find a disposition to it, by the working of one of his hands, and that hand must not be touched by any hand, except it be to put a pipe of tobacco or an angel into it.*

*“ 4. He saith, the sheets wherein he hath lain are a special remedy for many diseases (especially the rising of the mother), and that many lords and ladies have made suit to lie in them, and to my knowledge they have been tried to no purpose.*

“ 5. He saith, that he goeth in fear that the physicians and surgeons of London will murther him, and dare scarce drink with any men for fear of poisoning, for which he is the more followed.

“ .6. He hath contemptuously used his juggling tricks since he was before the lords of the council convicted as a delinquent.

“ .7. Since great lords and ladies, and gentlemen, and rich men, have gone unto him, whereof many of them are to my own knowledge blushinglly ashamed, yet if it may appear and be proved by any man, that any man, this man, the seventh son, or any son, can do it, *I think it not right that his Majesty's royal person should be troubled, and his health endangered, by such unwholesome and noisome people as many of them be, when it may be done by any other.*

“ All these things before written have been credibly reported to me by honest men of very good credit, who have been abused by him, and are ready to testify upon their oath, if it shall be required; and I conceive it to be my duty and office to call it to examination, which I leave to your grave and learned considerations. And rest at your service,

“ W. CLOWES,

“ Sergeant-surgeon to his Majesty.”

*“ The humble Answer of the President and College of Physicians, London, to the Lords and others of his Majesty’s most honourable Privy Council, concerning James Leverett, of Chelsea, Gardener, aged (as he saith) about sixty years.*

*“ May it please your Lordships,*

“ That according to your lordships’ order, dated the 20th day of October last, we the said president and fellows of the College have called before us the said James Leverett, whom we find, by the certificate annexed, to be the fourth son of one Simon Leverett, late of St. Clement’s, East Cheap, butcher, deceased, and examined him and made trial of him six several days, according to his own appointment, concerning his three years’ and a half practice; for so long he pretends to have had the gift of healing, and forsaken his trade, and lived by means acquired by touching of diseased persons.

“ First, he saith, that when he began to take upon him to cure, he used a bare touching without words; but being told by a woman (whose name he knoweth not) that came to him to be touched for a pain in her arm, that God had given him the gift of healing, he afterwards used words whilst he was touching;



*but who put those words into his mouth, or the certain time when and where, or to whom he first used those words, he will not confess.*

“ Among many whom he pretends to have cured, he made choice of three of them, and brought them and others with him to the College to be examined concerning the cure he had done upon them; namely, Robert Monday, aged eight years, the son of Richard Monday, waterman, for a sore under his arm, which three months after his touching dried up of itself: Eliz. Maye, aged eleven years, for the king's evil in her eyes; she was cured by a flux of belly, which happened before and continued after: and Peter Norris, aged six years, for the evil, as is pretended, in the left eye, which is not yet well, as appeareth to us, nor bettered by his touching, as the child said. And likewise Sergeant Clowes brought some others, as their certificates annexed do shew, whom the said Leverett hath formerly touched, *but none of these are bettered by his touching.*

“ In obedience to your honours' command, we have presented unto him six more, which he touched, for that he desired to touch those, *and especially if the king have touched them*; and he hath touched those six divers times in our presence, according to his own appointed times, without the least contradiction or interruption

by us made, to which he promised, if not present cure, yet ease; but we find that some of them immediately upon his first touching grew worse, and desired the College that they might be no more touched by him. Yet to remove all scruple, and for the better satisfaction of your lordships, we caused him to touch them again, albeit they were nothing bettered thereby when they last appeared at the College, and therefore we remitted them to those who had them formerly in cure.

*“ The manner and fashion of his touching is as followeth :*

*“ He observeth, in his touching, to lay his hands in certain forms upon the places affected.*

*“ He observeth his own disposition of body or indisposition to touch ; for if his hands are cold, he will not touch, &c.,*

*He mutters whilst he toucheth a certain number of set words, viz. God give a blessing! I touch — God heals.*

*“ He toucheth the parts ill affected a certain number of times, as thrice, thrice, and thrice.*

*“ He professeth that what he doth is by the special gift and calling of God, and that he doth but his duty in these practices.*

*“ In touching, he never useth the blessed name of Jesus or Jesus Christ, and denies to give his reason thereof.*

*“ He commands the patient to eat the best meat,*

*and to drink strong beer, and to wash his hands and face in warm water, and in no case to touch cold water.*

“ He says he is the seventh son of his father.

“ To this superstition he adds, first, this blasphemy, viz. that upon touching he doth find virtue to go out of him, so as he is weakened more by touching thirty or forty in a day, than when he digged eight rods of ground in a day, when he was a gardener. And it is credibly affirmed to us by a person of good reputation, that the said Leverett hath said, that if he touch a female, he is much more weakened.

“ And, lastly, he adds scorn and contempt towards those whom the sacred hand of his majesty hath touchèd for the evil, as appeareth by the certificate of Mr. Edward Pate.

“ We, therefore, the president and fellows of the College of Physicians, do conceive the said Leverett to be an impostor, and a deceiver of over-credulous people, who are heartened in their credulity by an erroneous opinion of some prodigious virtue inherent in a seventh son, which yet this Leverett is not. Also we conceive his pretended cures, with the manner of them, to be full of superstition and *sorcery*, and not to savour of any skill of physic or surgery, or *the operation of natural causes*. All which,

notwithstanding, we in all humility submit to your honours' grave wisdoms and considerations, &c.

"Dec. 6, 1637.—(Goodall, p. 447—463.)

"SIMON FOX, JOHN ARGENT.

"THO. WINSTEN,

"OTWELL MEVERELL,

"EL. HODSON,

"RIC. SPICER,

} *Censors."*

It is worthy of remark, that the whole of these proceedings indicate an extraordinary credulity, in considering it possible that any effect could be produced by the fooleries of this man, or that they were at all worthy of one moment's consideration in the way of experiment, to which, however, they devoted six days. The College were even at pains to prove the fact that he is not the seventh son of a seventh son, as if this could be of any consequence in the mind of any rational being. They also took some trouble to ascertain "who put the words which he used into his mouth, and where and to whom he first used them," as if the discovery could be of the smallest importance. But what is most surprising of all is, that they should have allowed themselves to assert the very gross absurdity, that "some of them (the patients) *immediately upon his first touching them*

*grew worse,*" as if his mere touch could produce either good or evil, unless he also used violence against the parts he touched.

In the course of such an exterminating warfare, it cannot be deemed surprising that the empirics should have frequently sought protection from the severity of College prosecutions, under colour of being attached to the royal service; of which the following petition and answer, in the reign of Charles I., afford a curious proof:

"To the Right Honourable Philip, Earl of Pembroke and Montgomery, Lord Chamberlain to his Majesty,—the humble petition of the president and censors of the College of Physicians sheweth, that whereas there are divers empirics, which,\* contrary to law and conscience, presume to practise physic in and about the city of London: as one Butler, a glover; Trigge, a last-maker; Buggs, one of the Queen of Bohemia's players, sometimes an apothecary; one Hill; one Blagden; one Blank, a pewterer; and one Sir Saunder Duncombe, a pensioner to his majesty; with divers others, against whom the College cannot take the benefit of their charter and his majesty's laws, by reason that they shroud themselves under the colour of being his majesty's servants; the petitioners humbly beseech your lordships, *in tender regard*

*of the health and safety of his majesty's subjects, to give them leave to take the ordinary course of law for the suppressing of the unlawful practice of the aforesaid empirics, and all others that shall assume the like boldnesse. And they shall pray," &c.*

To this petition the following answer was returned:—

“None of the persons complained of in this petition, nor any other, are admitted to his majesty's service, to entitle them to the practice of physick against the charter of the College and his majesty's laws. And, therefore, if the petitioners conceive that they have cause of suit, having acquainted the parties interested with my reference, they may freely take the benefit of his majesty's laws for their relief.

“PEMBROKE AND MONTGOMERY.

“Feb. 7, 1630.”—(Pp. 424, 5.)

Besides prosecutions against all denominations of practitioners not of their body, under the general denomination of empirics, the College were also almost perpetually engaged in literary controversies with individual physicians, surgeons, apothecaries, or empirics, always in support of their exclusive privileges, but never, by any chance, in support of the public good. Of the nature of these controversies the reader

may form some general notion by the following titles of works published between the years 1665 and 1810, all of which we have perused, and some of them we have quoted ; or, if he be desirous of obtaining a more intimate knowledge of the subject, he will be enabled to refer to its sources, by means of the indications which are here placed before him :

1. A Letter concerning the Present State of Physic, and the Regulation of the Practice of it in this Kingdom. Written to a Doctor here in London.—1665.

2. A work against the apothecaries (of which the title does not appear), by Dr. Daniel Cox, presumed to be a Fellow of the College of Physicians.—1668.

3. A Short View of the Frauds and Abuses committed by the Apothecaries, as well in relation to Patients as Physicians ; and of the only Remedy thereof, by Physicians making their own Medicines. By Christopher Merrett, Dr. in Physic, Fellow of the College of Physicians, and of the Royal Society.—1669.

4. A Discourse, setting forth the unhappy Condition of the Practice of Physick in London, and offering some means to put it into a better ; for the interest of Patients no less, or rather much more, than of Physicians. By Jonathan Goddard, Dr. of Physick, Fellow of the College

of Physicians, and of the Royal Society, and Professor of Physick in Gresham College.—1670.

5. *Lex Talionis, sive Vindiciæ Pharmacopœorum*; or, a Short Reply to Dr. Merrett's Book, and others written against the Apothecaries; wherein may be discovered the frauds and abuses committed by Doctors professing and practising Pharmacy.—1670.

• 6. A Short Reply to the Postscript, &c. of H. S.; shewing his many falsities in matters of fact; the impertinences of his promised answers to some Physicians that have written against the Apothecaries; his Conspiracy with Apothecaries to defame them, the R. S., and many learned men of our nation. Made by Christopher Merrett, Dr. of Physic, and Fellow of the College of Physicians.—1670.

7. Some Papers writ in the Year 1664; in answer to a Letter concerning the Practice of Physick in England. By Dr. C. T. Published at the request of a Friend and several Fellows of the College of Physicians.—1670.

8. *Self-Conviction*; or, an enumeration of the absurdities, railings against the College and Physicians in general (but more especially the writers against the Apothecaries), nonsense, irrational conclusions, falsities in matters of fact, and in quotations, concessions, &c. of a nameless



Person. And also, an Answer to the rest of Lex Talionis. Collected and made by Christopher Merrett, Dr. in Physic, Fellow of the College of Physicians, &c.—1670.

9. The accomplisht Physician, the honest Apothecary, and the skilful Chirurgeon, detecting their necessary connection and dependance on each other. Withall, a Discovery of the Frauds of the quacking Empirick, the prescribing Surgeon, and the practising Apothecary. Whereunto is added, the Physician's Circuit, the History of Physick, and a Lash for Lex Talionis. *Homine semidocto quid iniquius?*—1670.

10. A Character of a compleat Physician or Naturalist.—1671.

11. Medice cura Teipsum! or the Apothecaries' Plea, in some short and modest Animadversions upon a late Tract intituled "a Short View of the Frauds and Abuses of the Apothecaries, and the only Remedy by Physicians making their own Medicines. By Christopher Merrett, Dr. in Physic," &c. From a real Well-wisher to both Societies.—1671.

12. Lex Exlex; or, the Downfall of the Law and the Gospell. Being a Warning-picce to the College of Physicians, &c.—1671.

13. Reflections on a Libel intituled a Plea for the Apothecaries.—1671.

14. *An Essay for the Regulation of the Practice of Physic; upon which regulations are grounded the composure of all differences between Physicians and Apothecaries, and reasons for preferring the long-accustomed way of practising by prescription. To which is added, a Brief Discourse concerning Arcana or Nostrums, and another of the deportment of Physicians towards the Sick and one another; as also of the Apothecaries to the Sick, to Physicians, and to Members of their own Society. By a Lover of Truth and the good of Mankind.*—1673.

15. *A Corner-Stone laid towards the building of a new Colledge (that is to say, a new Body of Physicians) in London, upon occasion of the vexatious and oppressive Proceedings acted in the name of the Society called the Colledge of Physicians: for the better information of all men, as well as of Physicians, Chirurgeons, and Apothecaries, touching the unhappy estate of the Art of Physic here in England. It being an Apology for the better Education of Physicians. By Adrian Huyberts, Physician.*—1675.

16. *The Royal College of Physicians of London founded and established by Law, as appears by Letters Patents, Acts of Parliament, adjudged Cases, &c. And an historical Account*

of the College's Proceedings against Empiricks and unlicensed Practisers in every Prince's reign, from their first incorporation to the murder of the Royal Martyr, King Charles the First. By Charles Goodall, Dr. in Physic, and Fellow of the said College of Physicians.—1684.

17. His most sacred Majestie's and his most honourable Privy Council's Letters relating to the College of Physicians. As, likewise, a short Account of the Institution, Use, and Privileges of that Royal Foundation. By his Majestie's special Command.—1688.

18. The Case between Dr. John Badger and the College of Physicians.—London, 1694.\*

19. A Charter granted to the\*Apothecaries of London, the 30th of May, 13 Jac. I. Translated and printed for the better information of the said Apothecaries in their duty to the City of London, the Colledg of Physicians, and their own Society.—1695.

20. A Short Account of the Proceedings of

\* In 1683, Dr. John Badger was examined three several times, and approved; his admission was, notwithstanding, postponed.—New statutes of exclusion were, in the mean time, passed; and in 1687, four years after he had been found qualified, being a Doctor in Physic of Cambridge, he was refused admission until he should have complied with these, with respect to him, *ex post facto* laws!

the College of Physicians, London, in relation to the Sick Poor of the said City and Suburbs thereof; with the Reasons which have induced the College to make Medicines for them at the intrinsick value.—1697.

21. The State of Physic in London; with an Account of the charitable Regulation made lately at the College of Physicians, towards preparing Medicines there at the intrinsick value for the Poor, and giving them advice, gratis, Wednesdays and Saturdays, in the afternoon, all the year round.—1698.

22. A Rebuke to the Authors of a Blew-book, called the State of Physick in London, which is indeed the black and blew State of Physick. Dated from the College, and signed by Th. G. and R. M. Written in behalf of the Apothecaries and Chirurgeons of the City of London. By William Salmon, living near Black-Friars Stairs.—1698.

23. The late Censors deservedly censured, and their spurious Litter of Libels, against Dr. Greenfield and others, justly exposed to contempt, by the following Answer to all, but especially the last, intituled, A Reply to the Reasons against the Censors of the College of Physicians, &c. Humbly offered to the perusal of Drs. Thomas Burwell, Richard Torles, William Daws, Thomas Gill, the late Censors; and

to the expiring Censure of Dr. Charles Goodall. By Lysiponius Celer, M.D.L.—1698.

24. Sidrophel Vapulans; or, the Quack Astrologer toss'd in a Blanket. By the Author of Medicaster Medicatus. In an Epistle to W—m S—n. With a Postscript, reflecting briefly on his late scurrilous Libel against the Royal College of Physicians, entituled, A Rebuke to the Authors of a Blue-book. By the same hand.—1699.

25. The Present State of Physick and Surgery in London: with an Estimate of the Prices of all the Medicines now in use. In a Letter from a Merchant in London to a Dispensary Physician, with the Physician's Answer.—1701.

26. Bellum Medicinale; or, the present State of Doctors and Apothecaries in London. Being Remarks upon a Letter from a Merchant-Dispensary-Physician to himself, and his Answer. In a Letter from a Chymist in the City to a Country Physician, with the Physician's Answer. Wherein the ancient and most effectual way of Practice is proposed as the best means to put an end to the Contest.—1701.

27. The present ill State of the Practice of Physick in this Nation truly represented; and some Remedies thereof humbly proposed to the

two Houses of Parliament. By a Member of the College of Physicians.—1702.

28. The Necessity and Usefulness of the Dispensaries lately set up by the College of Physicians of London, for the Use of the Sick Poor; together with an Answer to all the Objections raised against them by the Apothecaries or others.—1702.

29. Observations upon the Case of William Rose, an Apothecary, as represented by him to the most honourable House of Lords, upon his bringing the Case before the said House, by a Writ of Error, in order to have the Judgment obtained against him by the College of Physicians, in the Queen's Bench, reversed.—1704.

30. The present State of Chyrurgery; with some short Remarks on the Abuses committed under a pretence to the Practice, and Reasons offered for regulating the same. In a Letter to Charles Bernard, Esq. Sergeant Surgeon, and Chyrurgeon in Ordinary to her present Majesty.—1703.

31. Monopoly made a Property; or, the Navy Surgeon's Memorial to the managing Apothecaries of Black Friars.—1708.

32. The fundamental Laws of Physick; or, the Nobility and Gentry cannot be preserved by the modern Practice in the difficult and dangerous Diseases.—1711.

33. Some Remarks on the Charter of the College of Physicians in London, and the Act of Parliament which confirms it; wherein the Case is truly stated betwixt the Universities and the College.—1714.

34. Ditto. Part II.

35. Pharmacopolæ Justificati; or, the Apothecaries vindicated from the imputation of ignorance; wherein is shewn that an Academical Education is no way necessary to qualify a Man for the Practice of Physick.—1724.

36. Reasons against the Bill for viewing, searching, and examining of all Drugs, Medicines, &c., addressed to the Parliament of Great Britain. With Proposals humbly offered for the regulation of the state of Physick in general, with respect to the Patients' Healths and Lives (which are principally to be regarded), the Physicians' fees, and Apothecaries' medicines and bills. To which is added, Mr. Goodwin's Case. By Philanthropos.—1731.

37. An Essay for abridging the Study of Physick; to which is added, a Dialogue betwixt Hygeia, Mercury, and Pluto, relating to the Practice of Physick, as it is managed by a certain illustrious Society. As also an Epistle from Usbek the Persian to J—W—d, Esq.—1735.

38. An Address to the College of Physicians,

and to the Universities of Oxford and Cambridge ; occasioned by the late swarms of Scotch and Leyden Physicians, &c. who have openly assumed the liberty (unlicensed from the College, &c.) of practising Physick in England, contrary to the Privileges of our Universities, and of the Charter granted to the College of Physicians in London. To which is added, a Compleat List of all the regular Physicians.—1747.

39. An Enquiry into the Designs of the late Petition presented to Parliament by the Company of Apothecaries ; with Remarks how far it deserved attention. Whereby the Apothecaries' present monstrous Profits are exposed, and compared with those of the Chymist, with respect to practice and retail. To which is annexed a Scheme, tending to prevent the empirical Apothecary from practising, and the Chymist from preparing and vending sophisticated Medicines. In a Letter to the Company of Apothecaries, occasioned by a late Pamphlet called "Frauds detected in Drugs," &c.—1748.

40. A Letter from an Apothecary in London to his Friend in the country, concerning the present state of Physic in regard to Empirics, empirical Methods of Cure, and Nostrums. With Remarks on Dr. Mead's, Mr. Freke's, and Mr. Cheselden's Method of Cure for the Itch,



by *Externals* only: setting forth the dangerous consequences of such a method, if adhered to indiscriminately. Also some Observations upon Manna, shewing it to be a composition, though commonly supposed a natural production; with Remarks on Dr. Mead's certain cure for the Bite of a Mad Dog.—1752.

41. A Letter from a Physician in Town to his Friend in the country, concerning the Disputes at present subsisting between the Fellows and Licentiates of the College of Physicians in London.—1753.

42. Remarks on a Pamphlet, intituled, a Letter from a Physician in London to his Friend in the country. Containing a Vindication of our Universities, particularly Oxford, from the injurious assertions in the said pamphlet. In a Letter from a Physician in the country to his Friend in London.—1753.

43. An impartial Inquiry into the legal Constitution of the College of Physicians in London. Shewing, from their Charter, Acts of Parliament, and their own Statutes, how much they have deviated from their original Institution.—1753.

44. Minutes of the Proceedings of the Royal College of Physicians relating to Dr. Isaac Schomberg, from Feb. the 6th, 1746, to Dec. the 23d, 1753.—1754.

45. A Bold Challenge to the whole College of Physicians; or; a Defence of those Practitioners in Physic commonly called Quacks, namely, Dr. M—tin, Dr. M—re, Dr. V—k—s, Dr. W—t—s\*, Dr. T—l—g, Dr. Th—n—ll, Dr. Anodyne Necklace. Cum multis aliis, both Doctors and Doctresses. Likewise a Vindication of many eminent Piss-Prophets, Astrologers, Conjurers, both male and female, from the aspersions cast upon them by a late Author.—1754.

46. A Satire upon Physicians, or an English Paraphrase, with Notes and References, of Dr. King's most *memorable* Oration, delivered at the Dedication of the Radclivian Library in Oxford: to which is added, a curious Petition to an Honourable House in favour of Dr. King.—1755.

47. The Law of Physicians, Surgeons, and Apothecaries; containing all the statutes, cases at large; arguments, resolutions, and judgments concerning them. Compiled, by desire of a Great Personage, for the use of such Gentlemen of the Faculty as are enemies to Quackery, in order to point out the defects in the Law, as it now stands, relative to those Professions; and to propose such expedients for remedying them as they shall think necessary, before the next Session of Parliament, when it is intended to

apply for an Act for regulating the Practice of Physic, and suppressing empirical Nostroms.—1767.

48. Free Thoughts on Apothecaries and Empirics; shewing the Necessity and Utility of their Regulation by Parliament. Addressed to the Master, Wardens, and Assistants of the Apothecaries' Company. With an Appeal to the impartial Public, recommending a different mode of paying Apothecaries.—1773.

49. A General View of the Establishment of Physic as a Science in England, by the Incorporation of the College of Physicians, London; together with an Inquiry into the nature of that Incorporation, in which it is demonstrated, that the exclusion of all Physicians, except the Graduates of Oxford and Cambridge, from the corporate privileges of the College, is founded in usurpation, being contrary to the letter and spirit of its Charter. By Samuel Ferris, M.D., F.S.A., &c.—1795.

50. A Justification of the Right of every well-educated Physician, of fair character and mature age, residing within the jurisdiction of the College of Physicians of London, to be admitted a Fellow of that Corporation, if found competent, upon examination, in learning and skill. Together with an Account of the Proceeding of those Liceñtiates who lately at-

tempted to establish that right; including the pleadings of the Counsel, and the opinions of the Judges, as taken in short-hand by Mr. Gurney. By Christopher Stanger, M.D. Gresham Professor of Physic, and Physician to the Foundling Hospital.—1798.

51. A Letter to the Right Hon. Lloyd, Lord Kenyon, relative to some conduct of the College of Physicians of London, posterior to the decision of the Court of King's Bench in the case of Dr. Stanger; and containing Observations on a principal ground of that decision. By William Charles Wells, M.D., F.R.S., L. and E.—1799.

52. An Address delivered to the Lincolnshire Benevolent Medical Society at their Anniversary Meeting, in 1809; containing an Account of the Proceedings lately adopted to improve Medical Science, and an Exposition of the intended Act for regulating Medical Education and Practice. To which is added an Appendix, comprising the Acts of Henry VIII., and the Correspondence had with the Public Bodies; together with the legal Opinion of an eminent Counsel on the subject of Medical Regulation, &c. By Edward Harrison, M.D., F.R.A.S. Ed., Member of the R. Med. and R. Phys. Soc. of Edinb., of the Med. Soc. of London, &c. Published at the unanimous request of the meeting.—1810.

53. The Medical Observer, 9 vols., from 1807 to 1811.

UNWHOLESOME AND SECRET BY-LAWS OF  
THE COLLEGE.

We'll meet them with by-laws——  
As Hydra's heads to blows—to every claim  
A by-law must start up to meet the same:  
Suppose, 'mong Science' sons, that one should rise,  
Grave as the Co'an, as Aretæus wise,  
Industrious as Galen, as Celsus smart—  
Secure your gates, and bid a by-law start.

*The College, a Satire.*—1797.

It is, we believe, an admitted truth, that all the by-laws of incorporations, which relate to any thing beyond the mere management of their own affairs, necessarily militate against the interests of the public. Of this description, most assuredly, are the four by-laws of the College of Physicians in London, to which we have already slightly adverted, and which we now propose more particularly to examine, as to their operation, whether singly or united, or coupled with the powers which that body had derived, or pretended to derive, from royal charters and acts of parliament. But it will be proper previously to state, that so strong was the consciousness of the College that their statutes were neither conformable to reason, justice, nor the law of the land, that they took the greatest pains to conceal them, not only from

the public, but even from those who were required, by their oaths, to obey them.

Let us inquire a little into this mysterious concealment : "There has been some difficulty," says Dr. Ferris, "even for the fellows of the College to obtain the use of them. The possession of them is now, I understand, confined to the president, registrar, and four censors. Towards the latter end of the last century, several complaints were made by Dr. Tyson, and other fellows of the College, on the subject of the difficulty of access to them; and it was not until 1721 that it was proposed that the president should keep a copy of the annals, upon giving a bond for 100*l.* for his returning them when his office expires." (Pp. 74, 5.) "Though a licentiate," says Dr. Wells, "is obliged to give his faith that he will observe their statutes, he is never furnished with any opportunity of knowing what they are. The last printed edition of them is dated in 1765, and is now so scarce, that many, I believe I may say most, of the licentiates have never seen a copy of it. The code too, since 1765, has undergone very considerable alterations, none of which, as far as I know, have ever been communicated to the licentiates. In 1796, Dr. Stanger swore before the court of King's Bench that, to the best of his knowledge and belief, no person could be admitted to the order of candidates who did not enjoy by birth all the

privileges of a British subject ; and yet *it was afterwards declared by the counsel of the College, that the statute requiring this condition had been repealed upwards of twenty years.* Dr. Stanger swore also that he had shortly before applied to the president and registrar of the College for some information respecting their laws, but that both those officers had refused to give it to him. Caligula, among other acts of tyranny, caused several of his edicts to be written in very small letters, and afterwards fixed in situations of difficult access, in order that those who were to be affected by them might offend through ignorance. His ultimate object, however, was only to procure the pecuniary fines which were imposed upon the want of obedience ; when these were obtained, he readily acquitted the transgressors of all further blame. Men calling themselves Britons likewise conceal their laws ; but, with a refinement in cruelty beyond the conception even of a Roman tyrant, declare persons to be infamous who do not observe them.” (Dr. Wells’s Works, 1 vol. 8vo. 1818, pp. 413, 15.)

“To accept a license from them,” says Dr. Adrian Huyberts, “is to acknowledge a power which I am not satisfied they have, or ought to have ; seeing that if (as I said before) we re-volve the transactions of time past, ’tis to be found upon record that such *Collegiate establish-*

*ments*, or corporations of physick, have been the great hinderers of the progress of this art throughout all Europe.” (P. 24.)• It is curious to observe how regularly every attempt to procure a mitigation, or the suppression of the evils which are here depicted, has been met by the College with imputations or insinuations against the motives of their opponents, as if they were themselves absolutely a constituent part of the state. In 1794, for instance, whilst a body of licentiates were endeavouring, as they had an undoubted right to do, to procure admission into the fellowship, Dr. Latham, in his Harveian oration, (how indignant would be the shade of Harvey, could it be sensible of the purposes to which his annual commemoration is perverted,) meets them with this modest allegation: “We are attacked by *ferocious, daring, and obstinate enemies, regardless of the faith which they have pledged for the observance of our statutes*. I might complain at greater length of the injury which they have rashly done us, but *liberality* forbids me to say more.”\*

\* “Hostis—aggreditur, ferox, audax, pertinax, posthabita fide de observandis (Collegii) statutis.—Verum enimverò tametsi mihi esset occasio querendi prolixius de facta nobis temere injuria, vetat amplius disserere liberalitas.” Dr. Wells, speaking of this oration, strongly censures the College for having induced Dr. Latham to give “a work to the world which sets at defiance every principle of taste in composition, and exhibits more than a school-boy’s ignorance of the com-



In the same manner, it was insinuated, in 1805, that the Lincolnshire Benevolent Medical Society, who had *not* “pledged their faith to observe the statutes of the College,” were, in their endeavours to procure a reform in the constitution of the medical profession, “*secretly actuated by designs hostile to the medical incorporations:*”—that their scheme was “*grounded on the desire to overturn an ancient and venerable structure.*” \* In 1806, in allusion to the proceedings of Dr. Harrison and his associates upon that occasion, the following rhapsody was uttered, as part of an Harveian oration, by Dr. Pemberton: “Quis vestrum ignorat, alienorum hominum concessum habitum esse, novis conciliis, nova audacia erectum, ad reformandum ut aiunt, sed potius evertendum eam medicam disciplinam quæ in hac nostra domo *per tria secula feliciter* constituta est. Immo eo processit hæcce rerum novarum cupiditas, ut consulerunt de petitione senatui referenda ad inceptum suum lege sanciendum. *In tali casu, ubi is vestrum qui non ad arma currat? quis non clamat, ‘Stet fortuna domus,’ clamandoque pro salute nostræ reipublicæ propugnet?’*”

———— One word suffices, only one,  
Cry *Innovation*, and the work is done!

mon language of the learned.” (Dr. Wells’s Works, pp. 403 and 410.)

\* Dr. Harrison’s “Address,” &c. 1810, pp. 19 and 20.

As the fellow to the preceding oration, but surpassing it in that particular quality, vulgar abuse of their opponents, which has at various periods distinguished these periodical harangues, it will be to the purpose here to cite that of Dr. Powell, in 1808, being the fifty-seventh *published* since 1661, in which year the first oration, in honour of the founder, Dr. Harvey, was delivered, four years after his death. These annual displays have afforded to the College convenient opportunities of extolling the merits of their own members; of arraigning the motives of their opponents; of explaining the ambiguous or extenuating the unjust parts of their conduct; of eulogising and passing for science some egregious piece of deception or delusion; and, in general, of setting forth all such matters as they imagined calculated to sustain their station in the public eye, and more especially to maintain their darling monopoly in the highest health and vigour, at whatever expense to the health and vigour of the public. Respecting all these matters, their orator had, at the period in question, ample materials for his discourse. Their proceedings, always of a nature necessarily to attract the attention of the public press, drew on them at this time the frequent animadversions of a spirited monthly journal, entitled *The Medical Observer*, for which favour

the College felt so overwhelmed with gratitude, that they could not, it seems, refrain from publicly acknowledging the obligation, which they accordingly directed their orator in rotation duly to commemorate. In the same breath, Dr. Powell depresses the memory of Harvey by his applause, and elevates the character of *The Medical Observer* by his censure. With a courtesy and in a stile which may be denominated peculiarly collegiate, he designates the contributors to that work as “ a parcel of low blackguards, who, laden with crimes, have audaciously and basely attacked the College, like a pack of hounds, and have laughed at it, and turned it into ridicule, and have reprobated its decrees.”\* And as a proof that all this is true, the orator calls in as a witness *The Medical Observer* itself, “ that foul-mouthed, lying farrago, which now every month is *belched* from the press against the College;”† and whose conductors, it seems, are “ such a parcel of

\* “ Imi subsellij viri et criminum graviorum vix insontes, certamen audacissimum et turpissimum, velut agmine instructi, moverunt; magistratus vestros et contemptui habuerunt et in ludibrium verterunt: acta et concilia vestra conviciis et calumniis laceraverunt.”—*Oration*, p. 16.

† “ Testor farraginem illam maledicam et mendacem, quæ ex prælo singulis mensibus etiam nunc in vestros *eructari* solet.”—*Ibid*.

rascals, and of no weight or consequence, that they have only escaped prosecutions because it would be disgraceful to an honest man to have any thing to do with them.”\* This is privileged oratory with a vengeance! We believe it is customary for Harveian orations to undergo private rehearsals before they are publicly delivered. If so, in this before us, we see a specimen of the extraordinary taste and literature of the College at large. In the space of four lines, we have *enitimini, reminiscimini, imitamini, tuerimini*.† How classical and harmonious! And if such be the elegance of their Latin, what would have been the charms of their orations had they been spoken in Greek! To be serious, would it not have been wiser in the College orators, upon finding themselves unable to refute the *arguments of The Medical Observer*, to have remained silent respecting it? The full extent of the viciousness of their institution, and of their own mortification, would not then have been so apparent to the public. But, “*quem Deus vult perdere, prius dementit.*”

\* “Legum opem nunquam invocavistis, calumnias eorum, quibuscum contendere ingenuo cuique dedecus esset, parum aut virium aut pretii in opinione omnium habere, æstimantes.”—*Ibid.*

† Oration, pp. 19, 20. *Medical Observer*, 1809, vol. vi pp. 81—85.

Among the specific offences of the College against humanity, at the period in question, was the enforcement, with unusual rigour, of that disgraceful by-law which withholds the aid of its members from the sick and dying, by subjecting them to a fine for meeting in consultation with physicians not of their body; in evidence of which their own official circular may be adduced:—

“ At the Comitia Majora Ordinaria of the College of Physicians, on the 27th of March, 1809,

“ It was resolved, That the following clause in the statute de conversatione morali, be communicated by letter severally to each of the fellows, candidates, and licentiates, viz.

“ ‘ Nullus denique medicus, sive collega, sive candidatus, sive permissus, consilium ineat cum aliquo, cui secundum statuta nostra non licet medicinam exercere, sub pœna quinque librarum, quotiescunque hujusce delicti à præsidente et censoribus, aut eorum majore parte, convictus fuerit.’

“ JAMES HERVEY, Reg.”

The foregoing circular was directed against several non-collegiate physicians, who either were already or promised soon to be in the enjoyment of considerable practice in the metropolis, but more particularly against Dr. Dick,

whose acknowledged skill in the treatment of the diseases of India prevented several thousand pounds a year from going into the pockets of some young fellows of the College, and many Anglo-Asiatic *\*valetudinarians* from going prematurely to their graves.\* This is a fair specimen of the manner in which the obligation of their charter “*to protect the public health against uneducated and ignorant pretenders*” was fulfilled. “*Risum teneatis*—”

However little worthy of notice in other respects are these lucubrations, miscalled Harveian orations, they are in so far important as their language of late authorises us to infer that the College have become alive to the danger of undertaking prosecutions; for we will not pay them the ill compliment to suppose that, if they

\* For Dr. Dick's case, see pp. 53—56 of this work. For the information of the general reader, it may be proper to state, that Dr. Dick had been for many years the leading practitioner in the capital of British India (Calcutta), and that upon his return to Europe, he was appointed examining physician to the East India Company, the functions of which office he continued creditably to discharge until severe indisposition obliged him to retire; so that a person who practises physic with applause in India, and is considered a fit judge of the competency of all medical practitioners destined for our extensive territories in that country, is, by College rules, *deemed unfit to practise physic in London and seven miles round!*

had thought it safe to prosecute, they would have descended to rail. It is also deserving of remark, that, since that of Dr. Heberden, in 1810, it does not appear that the College have ventured to publish any of these annual effusions. They are now, with their by-laws, consigned to the most secret recesses of their archives, to the mortification of the orators, and the equal loss and disappointment of the literary world.

To whatever period of history we recur, we find, as the uniformity of the laws of nature would lead us to expect, that the principle of action of bodies so constituted is at all times the same. About 1670, the College falsely reported, among other things, that Dr. Adrian Huyberts, whom they had under prosecution, was a papist, and as such practising against law, *whilst there were notoriously several known papists amongst their own body!* (P. 38.) And why should we doubt that the cry of innovation, or popery, or some other cuckoo note, would be attempted to be raised against an exposition like the present, if it were not, perhaps, that the time is gone by for the successful employment of such wretched cant? For ourselves, not being of the fellowship, our unincorporated faculties are incapable of comprehending the existence of an abstract propensity to overturn

ancient establishments.. But we can very well comprehend that, if an establishment be demonstratively and in a very high degree injurious to the public weal, whether it may have existed for only three, or for three hundred, or for three thousand years, the desire to overturn it, if it should be incapable of being adequately modified or brought back to first principles, may not only be very laudable, but strictly constitutional; or rather that to do so ought to be considered an indispensable duty. We should be curious to know how many centuries more would in all probability elapse before the College would be prepared to admit, what is now so obvious to every one else, that their monopoly is injurious to all the world, not even themselves excepted;\* and that it would be great wisdom as well as great virtue in them spontaneously to surrender their usurped privileges.

\* The seeming paradox, that a monopoly is injurious even to the holders of it, admits of easy explanation. Nothing can be clearer than that whatever diminishes the usual motives to professional activity and competition, even although it may enrich, must prove, upon the whole, both physically and morally injurious to the individual; and nothing can be more certain than that all monopolies have these effects: they inflate, stultify, and paralyse.



UNWHOLESOME BY-LAW FOR RE-EXAMINING  
GRADUATES OF UNIVERSITIES.

It is not a little remarkable that, in the course of the litigations which the managers of the College monopoly have for centuries carried on, the origin and date of the power which they have presumed to exercise, of *re-examining* physicians, graduates of universities, *homines facultatis*, should never have been with certainty elicited. It is notorious, as has been shewn in a preceding part of this work, that no such power was granted by the charter of the 10th of Henry VIII., or the disputed act of parliament by which it is said to have been confirmed, or by any subsequent valid authority; and consequently that it is a mere usurpation of the College. This usurpation, too, must have been accomplished at a very early period of their charter; for, besides that the by-law limiting the number of physicians in London to twenty, at which they actually stood in 1575, could not be otherwise enforced than by exercising the power of examining physicians, it is recorded by the historian of the College, that, in the reign of Queen Elizabeth, Dr. Pennye, and Dr. Saul, her own physician, among others, were interfered with, imprisoned, or interdicted, *examined* and rejected, and of

*course pronounced to be ignorant.* If it should be alleged, that the power of examination was granted without reserve by the charter of James I., we deny that the terms of that document expressly include graduates of Oxford and Cambridge, or that, if it had so included them, it would have been valid, since it remained unconfirmed by the legislature. But, in either case, since the authority in question was long before exercised, it is clear that it had not its origin in this charter, but must have been an usurpation of the College, of much earlier date. Besides the degradation to the universities, it would have been a gross inconsistency, which could never have been intended by the charter, or the act of parliament by which it is alleged to have been confirmed, that doctors of physic, who are in effect the medical faculty, should be held liable to an examination by a private college, which cannot even confer the title of doctor,\* as if their university degree ought not to be of itself considered sufficient proof of their competency. It was still more inconsistent that the graduates

\* In 1704, there were ten licentiates in the College list who had not degrees, and on whom the College could not confer the title of doctors in medicine. How preposterous, then, that they should presume to examine the graduates of universities, upon whom that title had been already conferred in a regular manner, by the proper and higher authorities!

of Oxford and Cambridge, since they were deemed by the College themselves to be entitled to the exclusive privilege of the fellowship, should have been required by them to undergo an examination; and most inconsistent of all, that the fitness of candidates should, in any case, have been left to the decision of persons who were directly and strongly interested in limiting the number of members of whom their body was to be composed. Nor is it at all probable that either the English universities, or their medical graduates, would have for one moment submitted to the signal degradation of such an examination, but for the great advantages which they expected to derive from the monopoly which their acquiescence insured. And accordingly we find, that ever since the monopoly was secured to them in 1752, the graduates of Oxford and Cambridge have quietly, and uniformly, and cheerfully submitted to this degradation, that of Dr. Schomberg, which commenced several years earlier, being the last instance of resistance upon record; and that not one of those graduates of those non-medical universities has, since the date of that compact, been known to be rejected by the College: so much for the benefits derived by the public from those impartial and decorous examinations.

In the charter, “faculty” (*homines facultatis*)

is taken, as in the universities, for the doctors of that profession; for the doctors of every profession are always called “the faculty.” But to give to the faculty *of physic*, and their successors, this privilege, “that no one of the faculty shall practise unless he be admitted by the faculty or their successors,” is nonsense. Would it not, then, even if it were otherwise innoxious, be a very farcical proceeding, that graduates of Oxford and Cambridge should be examined by graduates of Oxford and Cambridge, or members of the faculty by members of the faculty?

But, instead of our own opinion of this matter, we shall give that of Lord Chief Justice Coke, and his brother judges, in a case in which the authority of the College to examine graduates of the universities was regularly contested. Dr. Bonham, a doctor of philosophy and medicine in the university of Cambridge, asserted his right, in that capacity, of practising in London, “*nullâ à Collegio petita veniâ*,” affirming that the president and censors had no authority over those who were doctors in the universities. For this act the College proceeded, of their own authority, to fine and imprison Dr. Bonham. He brought an action against them for false imprisonment, and judgment was given in his favour. Lord Coke and Mr. Jus-

tice Daniel, on this occasion, declared it to be their opinion, that the graduates of the universities were exempted by law, as well as by the reason of the thing, from the jurisdiction of the College. “It ought to be presumed,” says his lordship, “that every doctor of any of the universities is within the statutes, viz. profound, sad, discreet, groundly learned, and deeply studied in physic:” and Mr. Justice Daniel “conceived that a doctor of the one university or the other was not within the body of the act; and if he was within the body of the act, that he was excepted by the latter clause.” The expressions of Lord Coke are remarkable: “The university,” says he, “is ‘*Alma Mater*,’ from whose breasts those of that *private* College have sucked all their science and knowledge (which I acknowledge to be great and profound); but the law saith, ‘*erubescit lex filios castigare parentes*.’ The university is the fountain; and that and the like *private* Colleges are ‘*tanquam rivuli*,’ which flow from the fountain, ‘*et melius est petere fontes quàm sectari rivulos*.’ Briefly, *Academiæ Cantabrigiæ et Oxoniæ sunt Athenæ nostræ nobilissimæ, regni soles, unde religio, humanitas, et doctrina in omnes regni partes uberrimè diffunduntur*; but it is true, *nunquam sufficit copia laudatoris, quia nunquam deficit materia laudis*; and therefore those universities exceed

and excel all *private colleges quantum inter viburna cupressus.*" \* \*

“And Coke, Chief Justice, in the conclusion of his argument, did observe seven things for the better direction of the president and commonalty of the said College in time to come : 1. That none can be punished for practising of physic in London, but by forfeiture of five pounds by the month, *which is to be recovered by the law.* 2. If any practise physic there for a less time than a month, that he shall forfeit nothing. 3. If any person prohibited by the statute offend in *non bene exequendo*, &c., they may punish him, according to the statute, *within the month.* 4. Those who may commit to prison by the statute, *ought to commit presently.* 5. The fines which they set, according to the statute, belong to the king. 6. They cannot impose a fine or imprison *without a record of it.* 7. The cause for which they impose fine and imprisonment ought to be certain, for the same is traversable ; for although they have the letters patent and an act of parliament, yet *because the party grieved hath not other remedy, neither by writ of error nor otherwise, and they are not made judges, nor a court given to them,* but have an authority only so to do, the cause of their commitment is traversable in an action

of false imprisonment brought against them. And afterwards, for the said two last points, judgment was given for the plaintiff *nullâ contradicente*. And I acquainted Sir Thomas Fleming, Chief Justice of the King's Bench, with this judgment, and with the reasons and causes thereof, who approved of the judgment which we had given: and the same is the first judgment upon the said branch concerning fine and imprisonment which hath been given since the making of the said charter and acts of parliament, and therefore I thought it worthy to be reported and published."

In a pamphlet published in 1714, the case between the universities and the College is so clearly and candidly stated, that we think we cannot better elucidate the subject than by submitting to the reader the following extracts :\*

" Before Henry V., the common law of England gave degrees in physic a liberty to practise *per totam Angliam*. A statute of Henry V. gives them the same. All university privileges which had been ever granted, of which this was one, were confirmed by statute of Q. Elizabeth.

\* Some Remarks on the Charter of the College of Physicians in London, and the Act of Parliament which confirms it. Wherein the Case is truly stated betwixt the Universities and the College.—1714.

Now, if such a general word as *nemo* in the statute of Henry VIII., without mentioning of us, and which I have shewn does not exclude us, was able to take away such a privilege, as it is pretended, surely such general words as *all privileges ever granted us*, as effectually recovers it again; so that, even upon this foot, I take the law to be on the side of the universities." (P. 15.)

"Every doctor of the faculty who lives in London is *ipso facto* incorporated, without so much as the ceremony of admission, and may demand his voice as one of the College when he pleases; as much as doctors of the universities, whilst they continue there, are of the faculty by their degrees, and have their voices in the senate without any further form.

"It is objected that there being a saving clause in the act, for the university doctors out of the district of London, and no mention of them in that part which relates to London, that therefore the act did not intend them a liberty of practising in London, but that they are subject as other practisers.

"This objection has no manner of weight, but is really an argument for us. The plain reason why no express mention is made in the first part of the act of university doctors, is because they are the very men incorporated and



their successors ; so that to have named doctors of Oxford and Cambridge had just said the same thing over again.

“ But when they came to the other parts out of London, because those doctors were not incorporated, it was proper and necessary to mention them expressly, because by the general words which give the faculty power over all other practisers through England, they, contrary to the design of the charter, would have been included, without a particular exception of them.” (Pp. 20, 1.)

“ I must observe further, that if, under the notion of making by-laws, they can fix a sum of money for admission, they may make it ten times as much as they now do, which already is ten times as much as formerly, and so to exclude all persons at pleasure.” (P. 22.)

“ Some have urged that the right must be with the College, because they have cast several of the university doctors. The reason of that I take to have been chiefly because the universities have never pleaded right, and have dropped the cause at one trial, so that there was no room left for a more full consideration ; which is of the greatest moment in a matter so much out of the way of common practice.” (P. 24.)

“ If the College can maintain the power they

claim over the faculty, it is very obvious that there is no university in the kingdom besides itself for physicians. They can qualify all over England, and no other body can, and in a much shorter and cheaper way. No time, no residence is fixed." (P. 25.)

"The *admissi* in the charter are what the university calls *practicantes*, and the same who before, by 3 Henry VIII., were to be admitted by the Bishop of London or the Dean of St. Paul's, if approved by four doctors. And in the university their admission is *ad practicandam in medicina*, as in the charter *ad exercedam facultatem*; and with the bishop and dean it was to practise." (2d Part, p. 2.)

"Let us then impartially consider what *homines facultatis* here must mean. The king mentions the example he takes from Italy and other nations. Some of the College can perhaps inform us what is meant by the faculty at Padua, Paris, &c. I can only say, that our own universities know of no other faculty but doctors, and I dare venture to say, without book, no other university in Europe. In our style, *homines facultatis*, *doctores*, *professores*, *regentes*, mean the same thing, i. e. the supreme degree in what they are applied to." (2d Part, p. 4.)

"I would here ask the College, if the *homines facultatis*, and the *exercentes*, *frequentantes* *faculta-*

*tem*, &c. were the same, why the president did not govern *omnes homines exercentes facultatem*, &c., *et negotia eorundem*, as it is said of the *homines facultatis* in the beginning of the charter, where the corporation itself is spoken of? And why in the latter end, when the *exercentes*, &c. were all generally put under the government of the corporation, there is no mention of their *negotia* likewise? With submission, because they were not of the faculty, and had no *negotia*; but only had liberty to practise, and in that were to be under the supervision of the College. I do not say that the doctors cannot be said *practicare*, or *exercere facultatem*, those being general expressions for practising; but that the doctors have never that style, they being *homines facultatis*; that the practicans have no other style; and that the charter preserves to each every where their proper style, and always calls the doctors *homines facultatis*, the others nothing more than *exercentes facultatem*, &c." (2d Part, pp. 8 and 9.)

"The charter never mentions any admission but for the practicans. There is no thought of any admission for the faculty: *they came in of course, and were of the corporation as they settled in the district*. However, the College commonly calls it admission when the doctors come in. But what is this admission? It is no more than

recognising our right by entering us in the register; by admitting us to their *negotia*, or the like; which we claim *ex debito*, not *ex gratia*, and yet *do not want any such ceremony, because proof of living in the district is as effectual*. Just as if the register in the university should not enter a degree, yet due proof of it would entitle the person to the privileges of it. The case is otherwise with the practicans. They take in a manner a degree in the College; they claim *ex gratia*; have no demand to be admitted to practise, unless the faculty thinks fit. In this case reasonable fees are always allowed by the common law, though we think it otherwise where a person claims *ex debito*,—where he demands his property.” (2d Part, pp. 10—12.)

“ I must observe further, that, after all, the College does not really act upon this charter of Henry VIII., but that of *Car. II.*, which is a quite different corporation, *under a new style, with different powers, &c.*; yet, *when they have any dispute with the faculty, they always urge this, because the other does not affect us*. But they cannot be two corporations; nor do we want the College books to prove this, as some have said. Nothing more easily appears by all their public proceedings. They write themselves *Fellows* in print; *but they have no such style by*

*the charter of Henry VIII.* The four *super-visors* in the old charter now write themselves *censors*, according to the charter of *Car. II.* The number of fellows, as they are called in the charter of *Car. II.*, being limited, they have brought in the candidates to wait for vacancies. They administer oaths, and daily instances shew us that they act only upon the new charter, and are not the corporation of Henry VIII. who sue us; for that we are ourselves, and they have long quitted it. *The charter of Henry VIII. belongs only to us. And there are in truth two Colleges of Physicians in London.*" (2d Part, pp. 13, 14.) To which he might have added, that the first alone is legal, parliament having refused to confirm the charter of *Car. II.*

"I must here take notice of what I think has been a mismanagement of the university doctors, that we may avoid the same for the future. They have been sued by the corporation of Henry VIII. Yet when they have submitted, they were not admitted by that corporation, *but by the new College, which is a quite different one.*; this is inconsistent, both in the College and themselves. The university doctors ought always to be admitted according to the *old* charter, because that is *theirs.*" (P. 14.)

Thus, facts, authority, reason, language, and

common sense, all combine to shew, that the doctors of universities, and no others, were, correctly speaking, the faculty, or *homines facultatis*; that they were, as such, members, and the only members of the College incorporation; that the College never legally possessed, or could possess, the privilege of examining, or of refusing to admit without examination, any doctors of the universities, or members of the faculty, every one of whom was, as a matter of right (*ex debito*), of the incorporation; and that the power, which they have assumed, of re-examining them, was a gross usurpation, and an usurpation, too, of a most mischievous kind.

UNWHOLESOME BY-LAW, LIMITING THE  
NUMBER OF PHYSICIANS.

The number of physicians composing the College was, both before and after the distinctions illegally introduced of fellows and licentiates, limited by express statutes. After that distinction, the number of fellows was so limited; whilst that of the licentiates was in effect restricted within the wished-for bounds by the by-law of re-examination. • In the sixteenth century, they were limited to twenty; in the seventeenth, by the statutes of 1647 and 1687, published in 1693, to thirty; and in the eighteenth, by those of 1736 and 1752, to

eighty. (Ferris, p. 88.) From the concealment of the College statutes, it is difficult to know accurately how this matter has, from time to time, stood; nor is it of any consequence with precision to ascertain the fact. The actual numbers, at different periods, of both fellows and licentiates, are indicated by the printed College lists. The former at present (1825) amount to between eighty and ninety, of whom, however, not above the half reside in London.

As the number of surgeons, apothecaries, and empirics, and consequently the disproportionate state of the various branches of the medical profession in England, will be found to have principally depended upon this undue limitation of physicians, it will be proper that we should here state what we know of it at various periods. When the charter was granted in 1519, there were only six physicians incorporated by name; and if there were any others, it may be inferred that they were but few, since in 1575, half a century afterwards, they only amounted, including four strangers of the College, to *twenty*. In 1663, there were forty fellows nominated by the king, in the body of the charter of Charles II.; and since, by the terms of that charter, in which fellows are mentioned for the first time as a distinct class, they are directed to be chosen, when vacancies

occur, from among the commonalty or members,—we conclude that there was, at this period, no order of licentiates, according to the present acceptation of that term. This charter, although refused to be confirmed by parliament, is the one which has been principally acted upon by the College. In 1704, there were sixty-six fellows, eight candidates, four honorary fellows, and thirty-six licentiates, in all 114. (Case of Mr. Rose, an apothecary, 1704, pp. 38—40.) Of these it is not probable (their residence is not specified) that much more than the half, or about sixty, practised in London; but say eighty. In 1746, there were fifty-four fellows, and twenty-four licentiates, in all seventy-eight. (“A Physician in Town to his Friend in the Country,” &c. 1753, p. 12.) In 1753, there were forty-one fellows, and forty-two licentiates, in all eighty-three. (Id. p. 13.) In 1752, there were forty-three fellows, three candidates, and forty-two licentiates, in all eighty-eight. (“An impartial Inquiry into the Legal Constitution of the College of Physicians in London,” &c. 1753, p. 86.) In 1756, there were fifty-six fellows, two candidates, and twenty-four licentiates, in all eighty-two. (Pharmacopœia of 1756.) The fluctuations are here remarkable. In 1753 and 1756, the total number of physicians remaining nearly the



same, there is a wide difference in the composition of the two classes. In these three years, the fellows appear to have been augmented by fifteen, and the licentiates to have been diminished by eighteen. Is not the solution of this fact to be found in the disagreements between the fellows and licentiates, which a few years afterwards broke out into open violence? After 1704, when the College were so signally defeated by the apothecaries in the House of Lords, the physicians either remained stationary, or diminished, whilst the apothecaries continued considerably to increase in number beyond their due proportion. This year (1825) the collegiate physicians, *residing in London, and seven miles round*, are forty-five fellows, two candidates, three inceptor candidates, and 124 licentiates, in all 174. The whole number in the list are eighty-seven fellows, four candidates, seven inceptor candidates, and 233 licentiates, in all 331; of whom 157 do not reside in London.

In the beginning of the seventeenth century, the physicians were to the apothecaries as 20 to 114, say one to five; in the beginning of the eighteenth century, they were as 80 to 1000, or as one to twelve; so that, whilst, in a century, the physicians had increased not quite fourfold, the apothecaries had increased nine-

fold, in the face of fine, imprisonment, and interdiction. They were, in fact, ten times as numerous as the population of that period would have either required or admitted, if they had remained mere dispensers of medicines, as in other countries. The transfer of the functions of physician to the surgeon or apothecary, in consequence of the artificial limitation of physicians by the College statutes, was the obvious and sufficient cause of this very disproportionate increase of the surgical and pharmaceutical branches of the profession.

UNWHOLESOME BY-LAW RESPECTING  
LICENTIATES.

In a conversation which a celebrated and learned foreign professor held with a physician of this town, who, however celebrated, is certainly not very learned, something of these words dropped from the latter: "Sir, the men you speak of (meaning the licentiates) are no physicians; we (the fellows) grant them a license, it is true; and there is a certain portion of the practice of this great town which we of course abandon to them—practice *among the lower orders!* But, sir, they are no physicians—they stand in no other relation to us, than the publican does to the bench of justices, from whom he receives a license to sell his beer!"

"What! was it known in any place but *here*,  
 That *licensed* claim'd rank with *licenser*!  
 Go, ask the justices of any quorum,  
 If, when they call the publicans before 'em,  
 They ever suffer them, or ale-house wench,  
 To take their seats upon the solemn *bench*.  
 Gods! should a publican the trial make,  
 They'd whip him first, and then his license take;  
 'Twixt them and us, what difference prevails?  
 We license *physic*, and they license *ales*."

*The College, a Satire.*

From the silence of the charter of Charles II., dated in 1663, respecting licentiates, and the existence of ten licentiates in the College list of 1667, we infer that this order must have been established by a statute of the College enacted in the intermediate period. This, and the other three by-laws, which are here specifically examined, and which constitute the principal features of the College monopoly, have never been authorised by any act of the legislature; are unwholesome, and contrary both to justice and to the law of the land, and consequently ought to be regarded as absolute usurpations. Indeed, although parliament have at all times been extremely indulgent to the wishes of the College, they seem at length to have become sensible of the impropriety of their demands. In 1663, says Dr. Adrian Huyberts, they (the College) "presented an address to

parliament to pass a bill they had prepared, not only for confirmation of the powers contained in their former supposed statute, but for enlargement of them also to such a monstrous magnitude as is almost incredible ; in so much that the honourable committee to whom the House of Commons had referred the bill, and thereupon to report to the house their opinion, after a full hearing of the council that appeared for all parties, both physicians and others, were so well satisfied of the monstrosity of their demands, that they dismissed the College men *re infectâ*.”—(A Corner Stone to a New College, &c., p. 14.)

If there had been a distinct class of licentiates at this period, would they not have been mentioned in the body of the charter in which such unbounded privileges were so freely conferred? Yet we find it roundly asserted by the College in their affidavits, sworn during their litigations with the licentiates, in 1796 and 1797, that, by a by-law made in 1555, *not extant*, the practisers of physic in London were divided into *three* classes, fellows, candidates, and licentiates ; the first members, the second eligible to be incorporated after a year's probation, the last entitled to practise only.\* The

\* Dr. Gisborne's affidavit, as president of the College of Physicians, sworn January 23, 1797.

College also state, in their affidavits, another by-law said to be made in 1582, enacting that no one should be admitted into the class of candidates unless he had first been, during one year, a licentiate.\* These affidavits are truly surprising, considering that, in a College list of 1575, we do not find any such class as that of licentiates,† or in any other list until after the charter of Charles II. in 1663. In 1665 or 1667, it is said, there were *ten* licentiates; and in 1677, we find that class first mentioned in the *Pharmacopœia*.‡ That the College were led into error in this business, to speak forbearingly, and that there was absolutely no class of licentiates until the period we have specified (1667 to 1677), is further confirmed by the fact, that Sir John Micklethwaite, who had graduated at Padua in 1638, was a candidate in 1642, and a fellow the year after.§ He was incorporated at Oxford in 1648. This admits of two distinct inferences: that, in 1642, there was not an order of licentiates, and that incorporation into

\* Affidavit of John Roberts, gent., brother of the fellow of that name, as attorney for the College, on the trial at the instance of Dr. Stanger, sworn 5th April, 1796.

† An Impartial Enquiry into the Legal Constitution of the College of Physicians in London, &c. p. 44. 1753.

‡ Stanger's "Justification," &c. p. 81.

§ An Impartial Enquiry, &c. p. 96.

the English universities was not necessary to admission into the London College. "Fellow" must also have been at this period used in a different sense from that which it now bears; it must have denoted merely one of the commonalty or members. It may here be observed, that, by a by-law of 1647, confirmed in 1687, admission into the order of *candidates* was, upon certain conditions, open even to the apothecaries and surgeons. (Ferris, p. 88.) Is such a fact compatible with the existence of the by-law of 1582, sworn to by the attorney of the College? If *licentiates* had then existed, would not the admission of the apothecaries and surgeons have been, in the first instance, into that order? And what proof has been given of this by-law, "*not extant*," having existed at the period mentioned? The mysterious secrecy observed respecting their by-laws has afforded the College a surprising facility of making these statutes "*extant*" or "*not extant*," just as suited their purpose.

As the fellows and licentiates approximated in respect to numbers, their quarrels multiplied. The former wished to retain the exclusive privileges which they had conquered, and the latter to obtain their share. It may, we think, be useful in this place to give an historical sketch of their litigations. In 1750, the licen-

tiates, we are told, respectfully claimed of the College an amicable extension of the fellowship to such of their body as they themselves should ascertain to be within the express description of fitness pointed out by the charter, repeated in the act of parliament, and explicitly described by Lord Mansfield as giving a legal title to incorporation. But the College, it is said, had not even the liberality to reply to this respectful application. Was there not in it an acknowledgment of inferiority rather derogatory on the part of the licentiates? Be this as it may, in 1752 a shew of courtesy was still maintained. The licentiates were still summoned to the *comitia majora* with as much respect to form as were the fellows themselves, and in similar habiliments, *cum pileo et togâ*. (Ferris, p. 63.) But this was only an empty formality. They were neither allowed to vote, nor any other privilege of the incorporation, excepting that of mere practice. At this period they were precisely equal in number. Unable any longer to bear their grievances in silence, Dr. Samuel Pye, Dr. Edward Hody, Dr. John Andree, Dr. John Fothergill, Dr. David Ross, Dr. John Baptist Silvester, and other licentiates, addressed the following complaint to the president and fellows of the College: "That they are not permitted to be

present at the *comitia majora*, whilst the business of the College is transacting, and in consequence are denied the privilege of voting; that they are excluded from all offices of honour and trust in the said College, and even the capacity of being elected into any such; that a large fine has been exacted from and paid by them towards the support of the College, although they are not allowed to enjoy the rights and privileges of that corporation, as members thereof," &c. &c. London, Nov. 3, 1752. To which the College made the following reply, Dec. 22, 1752:—"The College apprehend that their proceedings in regard to the licentiates are agreeable to their charter by act of parliament; to the statutes made by them, in consequence of the power given them by that charter; and to the constant and ancient usage of the College."\*

The breaches between the two divisions of the College became from this time every day wider. In 1765, the custom of summoning the licentiates to the *comitia* was, with very little ceremony, abolished (Ferris, p. 66); and from that period may be dated the commencement of that decided and open warfare in which

\* An Impartial Enquiry, &c. 1753, pp. 35, 6.



these two orders have ever since been almost perpetually engaged. In 1767, a body of licentiates, between thirty and forty in number, associated, and entered into subscriptions, with a view to legal proceedings against the College for the recovery of their right of incorporation, among whom were Dr. W. Hunter, Dr. Fothergill, and Dr. Alexander Russell. They first, or at least a certain number of them, repaired in a body to the College to demand admission, in September 1767, and on this occasion some riotous proceedings appear to have taken place : for we find, in the accounts of the associated licentiates, an item of 10s. 6d. paid to a locksmith for forcing the College door.

“ November 20, 1767, a motion was made for a rule upon Dr. Askew, the president, and the four then censors of the College, to shew cause why an information, in the nature of a *quo warranto*, should not be granted against them, to shew by what authority they acted as censors of the College of Physicians. The objection was, that whereas the election ought to be by the *whole* body, these gentlemen had been elected only by a *select* body, namely, by the fellows, exclusive of the licentiates, though the licentiates *demanded admittance*, which was

refused to them by the fellows, on pretence of their having no business there upon that occasion. ' \*

November 17, 1768, the court of King's Bench was moved, on behalf of Dr. Archer and Dr. Fothergill, for writs of mandamus to oblige the College to admit these two licentiates. But the court was of opinion, that they could not claim a right of admission under the charter on the foundation of a license which they had *accepted under a by-law*, upon the supposition that the by-law was a bad one; so that the return was allowed upon that objection to their claim, and the intended question remained unsettled. Lord Mansfield again reminded the College of their duty.

January 29, 1770, new rules were moved in favour of Dr. Archer and Dr. Fothergill, which were argued in April 1771. On this occasion, Lord Mansfield and the other judges remained of opinion, that the licentiates could not set up their license, accepted *under a by-law*, as the foundation of a right to be admitted under the charter. He again censured the by-laws of the College.† These various proceedings cost the associated licentiates, from 1767 to 1772,

\* Bur. Rep., vol. iv. p. 2195. Stanger, p. 100.

† Stanger, pp. 109, 10.

according to accounts which we have seen, about two thousand pounds in law expenses.

But, if the licentiates failed in obtaining their object, the opinion delivered by Lord Mansfield, upon this occasion, respecting the pretensions of the College, is not the less instructive. "The College," says his lordship, "are bound to admit every person, whom, upon examination, they think fit to be admitted within the description of the charter, and the act of parliament which confirms it. The person who comes within that description has a right to be admitted into the fellowship; he has a claim to several exemptions, privileges, and advantages, attendant upon admission into the fellowship; and not only the candidate himself, if found fit, has a personal right, but the public has also a right to his service, and that not only as a physician, but as a censor, as an elect, as an officer in the offices to which he will, upon admission, become eligible." And again, proceeds his lordship, "It has been said that there are many among the licentiates who would do honour to the College, or any society of which they should be members, by their skill and learning, as well as other valuable and amiable qualities, and that the College themselves, as well as every body else, are sensible that this is in fact true and undeniable. If this

be so, how can any by-laws which exclude the possibility of admitting such persons into the College, stand with the trust reposed in them of admitting all that are fit? If their by-laws interfere with their exercising their own judgment, or prevent them from receiving into their body persons known, or thought by them, to be really fit and qualified, such by-laws require regulation. I think that every person of proper education, requisite learning and skill, possessed of all other due qualifications, is entitled to have a license, and I think that he ought, if he desires it, to be admitted into the College.”\*

After Lord Mansfield had thus, in 1767, so severely censured the College system of admission, or rather of exclusion, they thought fit, in 1778, to enact two statutes, to serve as blinds to the courts of law, during the further trials which they anticipated, as afterwards most fully appeared by their conduct; the one purporting to admit licentiates to the fellowship, in a certain proportion annually, by the special favour of the president; the other to admit them upon examination. The first, which in as far as it went was only an additional indignity to the licentiates, and a means of disuniting them, after having served its purpose, by its adoption

\* Stanger's "Justification," &c. pp. 440, 1.

in a few instances, was suspended or almost wholly discontinued; and, as we shall presently see, the second has never been acted upon, even in a single instance. That the one was intended to divide, to cajole, and to disgrace the licentiates, is evident from the offer of the fellowship, under this by-law of special favour, to some of the most prominent opponents of the College among the licentiates, as Dr. Wells and Dr. Cooke; by the former of whom it was indignantly refused, and by the latter pitifully accepted. That the other was designed solely to delude the public and the courts of law will be placed in full evidence by the conduct and result of the trials which related to it. It is obvious, indeed, that, if all the licentiates who might choose to apply should be incorporated, either by special favour or by examination, the graduates of Oxford and Cambridge would soon be outnumbered in the fellowship, and the monopoly at an end; and that if the right of examination was conceded to one licentiate, it could not, with any appearance of decency, be refused to any: and that if the right of being examined for the fellowship should be granted to the licentiates generally, it could not be long withheld from physicians who were not licentiates. This was a point, therefore, which the College, whilst they wished to retain their monopoly, could never have been reason-

ably expected to abandon, even in any single instance, but by compulsion; and, if they could have been compelled to abandon it without relinquishing their charter, they could not have been forced to pronounce the candidates competent whom they had been compelled to examine. In the case of a graduate of Oxford or Cambridge, the president and censors, upon oath, both examine and decide. But, in the case of a licentiate, although the examination, it is true, is conducted by the president and censors, under the obligation of an oath, his competency is determined upon by the general meeting, consisting perhaps of twenty persons, who did not hear him examined, and are under no such obligation.\* With three examinations, and five ballotings, and a monopoly at stake, he must be a sanguine person who could expect that even an Hippocrates or an Esculapius, if the one were to rise from the dead, and the other to descend from the skies, could make his way, by mere dint of competency, to the fellowship of the London College of Physicians. The spirit and determination of the licentiates who resolved to embark in this arduous undertaking, in which they could hardly expect the smallest personal success, and could only hope to benefit the

\* Dr. Wells's Works, pp. 401, 2.

public by exposing the injurious nature of the monopoly, were therefore the more meritorious.

The by-law is, “that any licentiate of *seven* years standing, who had completed his *thirty-sixth* year, may be proposed, by a *fellow*, to be examined on *one* particular day alone in the year; that if a *majority* of the fellows then present consent, he may be examined at the *three greater assemblies* of the Collège, and if approved by a *majority at each*, he may be proposed at the next greater assembly to be admitted a member; that if *then* likewise approved by a majority of those present, he may be admitted into the College, as soon as *convenient*; provided neither any law of the land, nor any *by-law* of the College, render him ineligible.\*

But even these barriers were not thought sufficient, should the licentiates ever surmount the impediments against arriving at an examination under this by-law. In addition to the established mode of examining, on all the different branches of medicine, in the Latin language, the candidate is required to translate from the Greek into Latin, and also to expound and comment, in the Latin language, upon any parts of the voluminous and difficult works of

\* Stanger, pp. 131, 2. Affidavit of John Roberts, gent. attorney for the College, sworn April 5, 1796.

Hippocrates, Galen, and Aretæus. Mark the contrast. *The graduate of Oxford or Cambridge may apply for examination immediately after arriving at a doctor's degree, without a previous license, without being first proposed, and upon any day in the year. The whole of his examinations may take place on one day, and he may be admitted candidate on the following, and fellow a year afterwards.*

But, even with precautions which rendered it impossible that any licentiate should ever pass an examination for the fellowship, it is clear that this by-law was never intended to be acted upon: for with what face could persons who had been found qualified to practise physic under the name of licentiates, be rejected as unqualified to bear the appellation of fellows? It might therefore have been obvious that the College had absolutely no alternative, consistently with any regard to the slightest consistency, or even decency, but to take special care that no licentiate should ever be admitted to an examination for the fellowship: and it was therefore an injudicious measure, on the part of the licentiates, to try the question in this form.

Dr. James Sims was the first licentiate who applied, under this by-law, for examination, with a view to be admitted to the fellowship. He



was proposed by Dr. Burgess, a fellow, and the College refused to enter into a ballot upon the proposition, under a pretence that the proposal was not *seconded*, which, even according to Lord Kenyon, is not legally required.\*

In January 1796, Dr. Stanger, a licentiate, made oath in the court of King's Bench that he had applied to the College to be examined for admission into the order of candidates, and that this examination had been refused, on the ground of the by-law, which excludes from being candidates all who are not graduates of Oxford or Cambridge. A rule was granted by the court for the College to shew cause, why a mandamus should not issue to compel them to examine that gentleman. When the question of granting the mandamus came to be argued, it was refused upon the ground that Dr. Stanger had committed the informality of applying to the *comitia minora*, instead of the *comitia majora*, who are the whole body of the College.†

The mode of Dr. Stanger's first application to the College having been thus determined to be wrong, he presented himself a second time to them, requesting permission to undergo any

\* Dr. Wells's Works, p. 403.—Stanger's "Justification," &c. p. 135.

† Id. p. 400, and 233.

examination which might ascertain his fitness to be a *fellow* of their body. An examination was again refused. Of this Dr. Stanger made oath, and obtained a new rule for the College to shew cause why a mandamus should not issue against them. It was, however, refused upon the plea that the by-law which had been pronounced by Lord Mansfield to be bad, was so qualified by another bad by-law, subsequently made, that they both became good, and that if Dr. Stanger could get any fellow of the College to propose him for examination, the College would be *bound in honour* to examine him the same as if the mandamus went;\* one of the judges observing with great naiveté: “Do you imagine if they (the College) think Dr. Stanger, or any other physician, is a fit person, *that they will not propose him?*”† It might be imagined the worthy judge believed that the College would consider it a duty to run about looking for qualified persons whom they might examine, in order to admit them to a participation in their monopoly, instead of throwing all the obstacles possible in the way of those who presented themselves for examination.

Dr. Wells, another licentiate, determined to put the College to the test, according to this

\* Gurney's Report. Stanger, p. 138. † Stanger, p. 237.

opinion of the court ; and got Dr. David Pitcairn to move, and Dr. Matthew Baillie to second, that he should be admitted to examination concerning his fitness to become a fellow. This was in Sept. 1797. The by-law was now declared to be *dormant*, and that *the propriety of its revival formed a question of very great concern, which was consequently not to be decided upon until it had undergone much serious consideration.\** It was, however, proposed and carried, that Dr. Pitcairn's proposal of Dr. Wells should *not* be submitted to a ballot: and thus, "a licentiate within the precise terms of the by-law, more advanced in age, and of longer standing as a licentiate than are required by it, a physician to St. Thomas's Hospital, a fellow of the Royal Society, proposed by a fellow of the College, of high standing, and that proposal seconded by another of the first respectability, was not even allowed a ballot to determine whether he might be permitted to have his qualifications examined!"† Twenty-three fellows were present, nearly all that could possibly be collected.

Thus it stands demonstrated, by the evidence of their own conduct, throughout a long series of proceedings, that the efforts of the fellows of the College have been almost exclusively

\* Wells's Works, pp. 315—317. † Stanger, p. 141.

directed to perverting an institution, no doubt designed for the good of the community, to the purposes of a base and pernicious monopoly for their private and personal ends. It would be disgusting, and must be unnecessary, to recapitulate the various shuffling means, as the enactment, the repeal, the re-enactment, and the concealment of by-laws, to which they had recourse during their disputes with the licentiates, in order to maintain their usurped privileges inviolate: but we may remark on the singularity of the circumstance, that, in all the litigations which the managers of the College have had with the licentiates, they never have alleged any solid reasons for their uncandid conduct. Even to a court of justice they carried no plea but their *by-laws*; and an odd constitution of justice it must be (not to call it by a harsher name) that can suffer two words which always convey an idea of something skulking and scarcely honest, to continue to produce the extensive mischief which is here described. In these disputes, owing to the wiles of the law, and the situation in which the licentiates were placed by their acceptance of a license under an oath to obey by-laws with which they had no means of becoming acquainted, the fellows, although they did not come off without wounds, were upon the whole

victorious. By the very acceptance of such a license, a physician degrades and places himself in a situation in which, as we have seen, it becomes impossible for him, but by ceasing to be a licentiate, to recover, by a legal or any other process, the full rights of a physician.

It is, we think, a matter by no means to be regretted, that, in the war between the fellows and the licentiates, the latter should have been worsted; since their greatest possible success, had the opinion of the bench been with them,\* could only have had the effect of admitting a few of their most influential members into the fellowship, whilst the monopoly would have remained unaffected, or only acquired new vigour by the transfusion. Their defeat, with all its concomitant circumstances, must also have had the good effect of convincing them, that the two worst of all possible modes of

\* "It is very remarkable, and perhaps unfortunate," says Dr. Stanger (p. 6, note), "that one of the Judges who presided on this trial (Dr. Stanger against the College), had been employed, when a counsel, to sanction the very by-laws which were contended against by the licentiates; and that the father of another of those Judges was president of the College when they were made." We do not view this matter in precisely the same light with Dr. Stanger, as it regards the interests of the public.

proceeding in such a case, are by supplication and law; and that they can never hope to lay all the rights and privileges of the medical profession open to themselves, but by means which would lay it equally open to all other physicians, *i. e.* by abandoning their licenses, and uniting their efforts, upon public principle, with the great body of the physicians of the United Kingdom. A mere dispute about privileges between fellows and licentiates is naturally regarded as but of very little importance, or only laughed at by lookers on; but in a question strictly between the public and a great medical monopoly, every one becomes deeply interested in the issue. That the licentiates, whilst they adhere in any degree to the College, are so trammelled by the connexion, as to be incapable of pursuing any efficient measures for general emancipation, is evident from the fact, that, during the thirty years which have nearly elapsed since the date of their last legal proceedings in the Court of King's Bench, no effort whatsoever has been made by them for the purpose of regaining their rights, notwithstanding the reasonable expectation expressed by Dr. Stanger, in the able prefatory address to his "Justification," &c., that, "in the mean time, the licentiates would secure all the advantages of the fellow-

ship by an association which should surpass the College in numbers, utility, and power." It must now be obvious to the licentiates that something much beyond this is wanting, and which can only be obtained by an appeal first to the tribunal of public opinion, and finally to the legislature. And have not the fellows much more to apprehend than the licentiates from a separation? What favours can the former confer upon the latter? If the president were annually to admit, by special favour, *two* out of *two hundred and thirty* licentiates to the fellowship, what a miserable boon! But even this much will never be done. On the recent occasion of opening their new College, at Pall Mall East, only one licentiate, a high official character, was admitted, "*speciali gratiâ*," to the fellowship, although a great many old licentiates had been proposed. In what manner could the fellows injure the licentiates? By expelling them. It is a measure upon which they will never venture. But, if they should, instead of injuring, it would essentially serve the licentiates, by constituting them at once that separate and independent body which should indeed "surpass the fellows in numbers, utility, and power." Nay, further, it would be the obvious policy of the licentiates to separate themselves from the College; and,

by uniting with the public, with science, with the great body of the medical faculty, and with the universities, in one common cause, to contribute towards procuring the abolition of those usurped privileges, which even in their inert state are no less degrading than injurious to them all. The opportunity is now afforded them, and they can avail themselves of it with perfect propriety; for they cannot, upon any principle of duty or of honour, be required to observe oaths which are both immoral and illegal, as well on the part of those who take as of those who administer them. They are oaths which it is in fact a duty to violate. It ought to be fully known, that this body have no legal power whatsoever over physicians who are not of their body; and that the only power which they possess over the licentiates is that which depends upon the oaths to observe their by-laws, which the licentiates are so silly as to take, without knowing the precise nature of the obligations which they impose. This is particularly manifest in the country, where the College do not even pretend to have authority except over the extra licentiates.

If, in the College, in latter years, the operation of the spirit of monopoly in science has not been so conspicuous or flagrant as formerly,



in acts at once revolting and injurious to the public, it is not that its nature has at all changed, but that its exercise has become less practicable and more odious with the increasing intelligence of the age. Its nature and tendency are always and every where the same. In expensive and superfluous examinations and re-examinations; in extending their own privileges, and encroaching upon the privileges of others; in the exaction of inordinate admission fees, &c.—the incorporations of physicians, of surgeons, and of apothecaries, of the sister kingdoms, as well as the College of Surgeons and Society of Apothecaries in the metropolis, have all humbly, and according to the measure of the powers which have been legislatively intrusted to them, or which they have disinterestedly conferred upon themselves, closely followed the example of the College of Physicians in London; and, although the constitution of this body is certainly the great and original source of the evils complained of, the “*fons et origo malorum*,” the other concurrent incorporation influences have with no less certainty contributed in their degree to augment their amount. If they have not contributed in an equal degree to produce the enormous mischiefs to which we have adverted, it is only because they have not been placed under cir-

cumstances equally favourable for the successful exercise of the incorporation spirit; the nature of which is such, that if all the members of a body corporate were composed of Catos, the general spirit of the body would necessarily prevail over the dispositions of the individuals. To blame the individual members, and not the principles of such institutions, is, therefore, undoubtedly an error. And in respect to exclusive privileges in general, it ought also to be borne in mind, that, in matters which regard life and health, a monopoly must be infinitely more injurious, as well as more odious, than it can be in any other department. The modern alteration, apparently for the better, in the conduct of that body upon whose proceedings we are here particularly commenting, is, therefore, wholly to be ascribed to a discreet forbearance, dictated by the principle of self-preservation: it is not the will, but the power that is diminished. The proceedings of the sixteenth and seventeenth centuries, and even of the eighteenth century, which we have described, or to which we have adverted, would no longer be tolerated. But the recent wars between the fellows and the licentiates of the College of London, and that of Dublin, afford abundant proof that the exclusive spirit, ever the same, when not openly and avowedly, is always

secretly and silently, operating; and that its mischievous labours, in as far as its power extends, will never cease but with the dissolution of the body in which it resides.

The conclusions at which we have arrived from these premises are, that from the impracticability of any longer openly and avowedly exercising those usurped privileges, when distinctly shewn to be usurped, which the College of Physicians have, by illegal by-laws, conferred upon themselves, they have become in effect, defunct, a nullity, a nonentity, a *caput mortuum*, a scare-crow, without any other than an ideal power of preventing graduates of universities from practising physic in any part of the British dominions, unless these graduates choose to acquiesce in their own degradation; that they possess no legal power of examining, or limiting the number of physicians, or of converting one set into fellows, and another into licentiates; that the first breath of regular resistance to their assumed powers will scatter them like chaff before the wind; and that, henceforward, no physician can be looked upon as blameless, who, with the remedy distinctly in his view, and undoubtedly within his power, so wantonly betrays the interests of the public and the dignity of the medical profession, and so signally degrades himself, as to submit to

an examination by, or to accept of a license from, such a mere phantom of authority. The power of prosecuting surgeons, apothecaries, and empirics, for practising physic, having been long nugatory or obsolete, is it not most wonderful that the College should have the presumption, we should rather say the effrontery, to assert, even in name, that of prosecuting *physicians* for the offence of exercising their profession according to the terms of their degree, which gives to each graduate, and from a much higher tribunal, “*amplissimam potestatem medicinam ubique gentium legendi, docendi, faciendi, aliaque omnia privilegia, immunitates, jura quæ hic aut usquam alibi ad doctoratus apicem evectis concedi solent*”?

On this occasion, the remarks so well applied to the College of Physicians in Dublin by an ingenious anonymous writer, in 1807, will at present, *mutatis mutandis*, exactly suit the predicament in which the College in London, and the unincorporated physicians are placed:—“As the fact of their insufficiency is now known, I can no longer conceive how the most pusillanimous can hereafter sue for admission to their society, or purchase, at the expense of *fifty pounds*, and a vexatious examination, a privilege so valueless. Let the uninitiated physicians beware, therefore, how they yield

to any seductive advances made to them by this nerveless College ; for I can readily apprehend that at the present moment their policy may lead that body to facilitate, even by violations of their own by-laws, the introduction of licentiates, both with a view to weaken opposition by reducing the number of opponents, and to affect a liberality of conduct which fatal experience has shewn to be foreign to their nature. But let those concerned beware how they yield to the crafty delusion ; for if selfishness does not wholly engross them ; if they feel one rising sensation in their breasts, having for its object the public good and the real welfare of the profession, they may rest assured that every such feeling is destined to be outraged to its utmost bent, so soon as the College of Physicians shall have accomplished their present ardently-desired purpose, a legislative confirmation and extension of their charter. That they look with confidence to procuring this, is notorious from their own undisguised assurances and exultations ; and that those powers, once obtained, will be still more vexatiously exercised than heretofore, is made no secret of. But that they will be disappointed in their perverted aim, I, with equal, and, I trust, better-founded confidence, hope and expect, from the wisdom of our legislature

and the patriotism of the present ministers of the crown. The public attention, too, is aroused to the question, its feelings interested, and its judgment informed. Let the physicians at large entertain a just sense of their own dignity and importance, and not barter this for any concession that this unsupported College may be now too ready to hold out to them, and they will contribute not a little to render this salutary and much-wanted reform a matter of certainty. *That arts will be practised, concessions offered, and allurements held out, in order to weaken that opposition which has sprung up, cannot be doubted; or could it, the recent instance, wherein the College volunteered in electing to an honorary fellowship an adverse licentiate, who, from increasing practice and increasing public confidence, seemed to be growing formidable, would make assurance doubly sure.* The ready acquiescence, too, of this member in their wily project; his acceptance of an honour conferred for purposes which only the most egregious vanity could overlook, the grossest selfishness concur in; and his apostacy to that cause to whose support he had openly and unequivocally pledged himself, should serve as a salutary lesson to all those whom I now address; should induce in their minds a timely distrust of the weaknesses of their nature, and excite

in them an unwearied spirit of watchfulness against the first heavings of a vain ambition, or the suggestions of an insatiate and credulous self-love, by whose united impulse, unless timely resisted, they will be precipitated into merited ignominy and contempt.

“ The fact of the insufficiency of this College should not be lost sight of by the legislature, as it leaves them but half the expected work to accomplish. Prejudices in favour of an existing order of things can here have little weight in continuing a state of things adverse to the general interests of society ; the destructive powers of this College are annihilated to their hands, and any others they possess can oppose no obstacle to the salutary interposition of the legislature : hence little else remains for them than to establish such a medical college as shall have every power to do good, but none to do evil.” (Pp. 64, 5.)

UNWHOLESOME BY-LAW MONOPOLISING  
THE FELLOWSHIP.

——— Who hold dominion by a *sham*,  
Grave sons of Isis, and grave sons of CAM.

Every one of the four by-laws which form the subject of our comments, is matchless in its way, and we know not to which of them to give the preference. There is, however, a

degree of ingenuity, which is quite striking, in making the right to exclusive dominion in the medical profession depend upon being educated at universities in which a notorious deficiency in medical instruction prevails. If this privilege had been established in the dark ages, when, inadequate as was the medical education to be found at Oxford and Cambridge, it was, however, the best which existed in this kingdom, there might have been some sort of pretence for the preference. But it is notorious, that, until the middle of the last century, the persecutions of the College were as bitter against the graduates of those universities as of any others, as in the cases of Drs. Bonham, Schomberg, &c.; and that it was not until 1752 that a statute, absolutely excluding from the fellowship all but the graduates of the English universities, was enacted. These universities, therefore, owe nothing to the College for this apparent preference; for, if it had better suited their purpose of narrowing the monopoly, they would have instinctively transferred their regards, perhaps, to Salernum or Salamanca. From the tenor of the work from which we have quoted, in commenting upon the by-law of re-examination, which work was published in 1714, we learn, that, at that period, differences existed between the univer-



sities and the College, although of their precise nature we are not correctly informed. It is, however, obvious, from the context, that they related to the privilege usurped by the College of re-examining doctors of those universities. The by-law of 1752 runs thus: "As the statute concerning candidates, that it might be both consistent with itself and with the statute concerning fellowes, *clearly intended that no one should be admitted into the order of candidates who was not a doctor of physic of either the university of Oxford or Cambridge, although not so expressed in these very words: lest any dispute should arise on this subject in future, we enact and ordain, that none shall be admitted into the order of candidates who is not a doctor of the university of Oxford or Cambridge.*" (Ferris, p. 104.) No one who peruses the sketch we have given of the history of the College proceedings, and understands the nature of incorporations, will for a moment imagine that any romantic attachment to their alma mater, or any consideration under heaven but that of more firmly securing their exclusive privileges, could have had the smallest weight, upon this occasion, with the managers of that body; and their decision might have been regarded a wise one, if they had had an option. But, when the choice was between the prolific and cheap seminaries of Scotland and of

Leyden on the one hand, and the expensive ones of Oxford and of Cambridge, *in each of which not above one student graduated annually*, on the other hand, there was no room for hesitation or doubt. The sole object having been monopoly, the statute must be admitted to have been judiciously framed, which, whilst it embraced only the few straggling pupils of Cam and of Isis, carefully excluded the many graduates annually emanating from the metropolis of Scotland, which had then already attained a very high degree of medical celebrity. It was not deemed of the smallest importance, compared with these objects, that there are not any where seminaries of education in which opportunities of obtaining medical instruction are more scanty than in the two English universities; and that they are especially deficient in anatomical and clinical instruction, the last of which is, above all, indispensable to the physician; for, unless doctrines be illustrated by practice, and the result of treatment placed in evidence at the bedside of the patient, lectures on the cure of diseases will be only speculations of comparatively little value. Had the exclusive right to the fellowship been attempted to be founded on graduation at Dublin, Edinburgh, or Glasgow, where medical education is of a far superior kind, although the pretence would have been much less un-

reasonable, the graduates of Oxford and Cambridge would, no doubt, have loudly complained, and they would have had much cause to complain, of the injustice. If, again, the graduates of Oxford, finding themselves more numerous in the College, had made a by-law enacting that doctors of that university should alone be entitled to the fellowship, and that those of Cambridge should, in common with others, only be licentiates ; or, if the graduates of some one college at Oxford, as Christchurch, for instance, finding themselves a majority of the fellows, had chosen to decree that no physician in future should be incorporated among them but from that particular college, although it might have supplied the worst medical education of any, whilst those from all the other colleges of the same university should be only licentiates,—would not such by-laws be deservedly regarded as both absurd and pernicious ? Yet in what respect would they be either more absurd or pernicious than that which actually prevails ? Although we do not impute as faults to the universities this inevitable deficiency of the means of medical instruction, knowing that it wholly depends upon situation, that circumstance, however, cannot but render the pretensions of their graduates to professional superiority the more extravagantly ridiculous.

The College might as well have made admission into the fellowship to depend upon the shortness of men's noses, the size of their heads, the rotundity of their paunches, or the cut of their coats, as upon the place of their education. The absurdity of this title to exclusive dominion is so striking, that it has been virtually acknowledged even by the fellows themselves; for, until the time of Mead, about the middle of the last century, it was customary for the presidents of the College, in their Harveian orations, to recommend a foreign education as the best for a physician: and it is very remarkable that three busts, with which the hall of the College is adorned, are the busts of graduates of foreign universities, — viz. Sydenham, Harvey, and Mead.\* Padua, Leyden, Montpellier, and every other university of reputation in Europe, have principally contributed to form those men who have, at various periods, been deemed the ornament and support of the College; such as, Thomas Linacre, John Chambre, Fernando de Victoria, doctors of Padua, its founders; John Caius, doctor of Bononia; Matthew Lister, of Basil; Sir Theodore Mayerne, of Montpellier; Baldwin Hamely and Daniel Whistler, of Leyden; Robert Morison, of Angers; Sir

\* Stanger's "Justification," &c. pp. 453, 4.

George Ent, William Harvey, Sir John Micklethwaite, George Rogers, Christopher Bathurst, Theodore de Vaux, and Richard Mead, of Padua; besides a great number of others.\*

In fact, partiality in favour of the universities of Oxford and Cambridge had nothing whatever to do with the matter of the monopoly; and the railings upon this subject have been very much misplaced. These institutions were made the mere stalking-horse of the College: they were the only resource, refuge, or safety of their monopoly. Besides the small number of students in those universities, depending upon the length and expensiveness no less than the inadequacy of medical education, they were, from vicinity, connexion, and other circumstances, more malleable, and better suited to the views of the College than other schools. They found it easy to induce them to refuse incorporation to foreign graduates, except through their own especial recommendation; by which, under the principle of exclusion, the number of candidates for the fellowship was sure to be kept within the prescribed bounds. It is far from our intention to deny high, but only exclusive merit and

talents to the fellows of the College of Physicians in London. On the contrary, their affairs have been exceedingly well managed, and it required no ordinary dexterity to keep their singular monopoly progressive, and at the same time conceal its injurious effects from the public and the legislature for a period of three hundred years.

Let us, without affixing more than its due importance to the manner of the selection, inquire what are the inducements of the College to maintain their monopoly on so narrow a basis, by limiting the fellowship to a number so very small. But, first, we may observe, that the number of licentiates is also unduly restricted, in consequence of artificial obstacles. The nature of these obstacles, with respect to the College of Physicians in London, must, from what has been stated, have become already sufficiently apparent to the reader; and we have here to add the fact, in respect to the College of Physicians in Dublin, that, whilst the fellows were only *ten* in number and the licentiates perhaps fifty, there were at one period twenty regularly educated physicians excluded from the licentiateship.\* According to Dr. Stanger, the number of offices at the

\* Observations on Medical Reform, &c. Dublin, 1807, pp. 30 and 32.

disposal of the London College, with duties annexed, almost equals the number of efficient members. (P. 34.)

“It will be scarcely denied by any one in the least acquainted with medicine as a practical art in London,” says Dr. Wells, “that physicians conceive it of much importance to be fellows of the College. This, indeed, seems sufficiently proved, both by the eagerness with which admission into the fellowship has been sought by some of our most celebrated physicians, Hunter, Fothergill, and Fordyce, not to mention other and later names, and by the obstinacy with which their endeavours to gain it have been resisted by those already in possession of the corporation. . . . There are various offices, lectureships, and appointments, in the College, which are attended with profit, and are filled by fellows alone. The emoluments of these, though not considerable, are still of sufficient magnitude to render them objects of desire to physicians in the first years of their residence in London, and hence, as I have been informed, they are frequently given to the younger fellows, with a view of assisting them during that difficult period. The chief advantages, however, which a physician enjoys from a fellowship of the College, are in consequence of his being often placed by it in very conspicuous and honourable situations. Soon

after receiving it, he becomes an examiner of the fitness of other physicians to be fellows or licentiates; a visitor of the shops of apothecaries, for the purpose of inspecting the quality of their medicines; and a commissioner under an act of the legislature for licensing houses for the reception of lunatics. By these means, though he may be a very young physician, he nevertheless appears to the world as a man of rank in his profession. Such a circumstance to the greater part of persons must be highly gratifying, without regard to its consequences. But in medicine, the slightest sign of distinction is frequently a source of profit to the possessor; for as men in general have not sufficient knowledge or discernment to choose their physicians on the ground of merit, they commonly take those who exhibit marks of public approbation and confidence. A fellowship, therefore, by bestowing such marks, is often greatly conducive to the advancement of the interests of a physician. It is far, indeed, from always happening that fellows of the College rise to eminence as practitioners of medicine; but the fact is undoubted, that they rise to it more frequently and more quickly than licentiates in every respect equal to themselves, except as to the relation in which they stand to the College.



“ But it is evident that these, and all other advantages of a fellowship, will be more or less amply enjoyed by individuals, according as few or many are entitled to partake of them.” (Wells’s Works, pp. 379—381.)

EMOLUMENTS FROM EXACTION OF INORDI-  
NATE FEES OF ADMISSION, &c.

Their emoluments consist of fees, on examination, to the president and censors, the perquisites of the registrar and treasurer, and the salaries of those who are appointed commissioners and secretaries of vaccination and private mad-house boards, &c. &c. Out of the 3,000*l.* annually allowed by the public to the vaccine establishment, the principal officers of the corporations of physicians and surgeons have salaries. From 1723 to 1751, the admission fees of a licentiate of the London College amounted to about 75*l.*\* They are said to be

\* A Letter from a Physician in Town, &c., p. 31. The items are,

	£	s.	d.
To the College .....	45	0	0
To the president, &c. and the lesser articles .....	10	13	8
To discharge the licentiate from all future payment .....	20	0	0
	<hr/>		
	£75	13	8

at present between 50/. and 60/. The fellowship fees are, we believe, less. “And here,” says the ingenious Dublin physician, whom we have already quoted, “I cannot repress the wish to indulge my readers with a most delectable anecdote, strikingly illustrative of the spirit in which corporate bodies exercise the powers vested in them for regulating one of their most momentous concerns, namely, the fees of admission to the rights and privileges of their charter. The College of Physicians of Dublin, having some time ago taken into serious consideration the manifest and increasing tendency to deterioration in their profession, and having adopted as the basis of reformation that most profound hypothesis, that *the respectability of a profession must ever be in direct proportion to the wealth of its ministers*, of which wealth they very naturally deemed the payment of fees to their body as the very best and least fallible criterion,—after due deliberation came to the resolution of *doubling* the expenses attendant on procuring their license. But their reasonings not being very conclusive, nor their resolutions very palatable to the several unlicensed practitioners of Dublin, who nevertheless felt a very natural and a very laudable desire to remove from themselves every imputation of irregularity by attaching

themselves to the College. These said unlicensed physicians, presented, by deputation, their humble petition to the College of Physicians, stating the hardship of requiring from them thus precipitately and most unexpectedly a *double* qualification, and praying to have the objectionable resolution of the College rescinded, or at least modified, so as to press less heavily on the petitioners. To which remonstrance the College was graciously pleased to reply, that they could not possibly think of reducing the admission fee to its former standard; but that from their wish to accommodate the petitioners, they would consent *to take half the amount in cash, and the remainder in approved bills at twelve months date!* This transaction is a matter of notoriety, and its truth unquestionable.\* A licentiate's fees in the College of Physicians in Dublin is 50*l.*

Of a similar spirit and description are some not very remote proceedings of the College of Surgeons in London.

“ House of Commons, Feb. 12, 1818.

“ Mr. Courtenay moved for leave to bring in a bill for the better regulation of surgery

\* Observations on Medical Reform, &c. Dublin, 1807, pp. 27, 28.

throughout the United Kingdom. The objects of the bill were, first, to provide that no one should practise surgery without a testimonial from some of the regular Colleges of the United Kingdom.

“ Secondly, That no more pecuniary fee should be demanded for such testimonial than had hitherto been usually paid; and thirdly, that *the law should be repealed which precluded any surgeon from officiating in the hospitals and dispensaries of Ireland who had not obtained a testimonial from the College of Surgeons in that country.* Such being the provisions of a measure, the necessity for which, *with a view to save the people from the danger of unskilful practitioners* was indisputable, he trusted that no opposition would be made to the motion.

“ Mr. Lockart *expressed an opinion, that if this bill originated with the surgeons, it must have a monopoly in view: the effect of it would be to injure a profession which ought to have too much pride to entertain any apprehensions of the competition of pretenders.*

“ The motion was agreed to.

“ On the second reading of the bill, Sir C. Monck spoke against the principles and details of the measure; he said he could not see any necessity for its adoption, and he protested against the doctrine, that no surgeon should

be allowed to practise who did not submit to an examination by, had not a testimonial from, and did not pay a fee to, some corporation of surgeons. The adoption of such a measure would, in his view, be peculiarly inconsistent with justice and sound judgment, as well as with the conduct of that house, which had recently abolished the restrictions imposed by the laws of Queen Elizabeth upon the subject of trade. He was not amongst those who deprecated the policy of the laws which subjected to a pecuniary penalty such as set up particular trades without serving an apprenticeship to those trades, for such laws were, in his opinion, necessary to secure to society persons of competent skill in the mechanical professions. But it had become the fashion to deprecate those laws, and therefore they were repealed about two years ago. Would it then become parliament, after acceding to that repeal on the ground of removing undue restrictions, to adopt a measure which proposed to invest certain corporations with the power of deciding who should or who should not practise surgery? Such restrictions could not be tolerated upon the ground that it was necessary to provide against unskilful practitioners; but no such necessity was shewn to exist; and if it existed, how did this bill propose to remedy

the evil? Why, merely by making it obligatory upon persons to submit to an examination before certain Colleges; but what guarantee did such examination afford to the public for competent practitioners? *The usual examination before the College of Surgeons was, he was assured, conducted in a very loose and slovenly manner.* Then, as to the College of Surgeons in Edinburgh, the fee for a testimonial or diploma there was in the first stage about 30*l.*, but in a subsequent stage the fees required were no less than 250*l.*, and these fees were exacted by the mere by-law or *internal authority* of the College. Was the house, under all these circumstances, prepared to compel every candidate for the practice of surgery to appeal to those Colleges, *and to depend upon their will for the right to pursue his profession? He had no objection to a law to regulate the practice of surgery, and to prevent the evil of improper practitioners; but he thought the honourable mover had begun at the wrong end, for instead of proposing a measure at the instance of the public, for whose benefit such a measure ought to be adopted, he brought it forward at the instance of the College of Surgeons of London, whose benefit it was calculated to promote.* *The honourable baronet moved that the bill be read that day six months.*

“ Mr. William Dundas said the fee required

by the College of Surgeons of Edinburgh, from a person desiring to practise as a licentiate, was only 5*l.* ; but any one requiring to be admitted a member (and that was voluntary) of the corporation, which admission would entitle him to certain advantages for himself, his widow, and his children, was called upon to pay 250*l.* for the benefit of the general fund.

“ Mr. Peel *was inimical to the principle of the bill itself; for if it were sufficient for a party merely to appear before a certain board, not that he supposed such a board would be directly influenced by interested motives, in order to procure a license or diploma, on payment of a sum of money, it was to be feared that the practice would ultimately degenerate into one of considerable abuse.* It was natural to suppose a competition would soon be entered into between the several bodies who had a power to grant licenses, for the purpose of procuring the greatest quantity of fees. *The more testimonials they granted, the greater would be their profit. It would evidently be to their advantage to grant as many as possible, and therefore it appeared to him, that unless they had some other test of ability beyond a mere diploma, a great abuse would be generated.* On this account he should oppose the bill being carried into a law. *With respect to Ireland, where he believed the profession was most respect-*

*ably carried on, he would not attempt to regulate it there without farther evidence of the necessity of legislative interference.* In 1784, alterations of a beneficial character were made in the College of Surgeons of Dublin, without which their new charter would not have been granted them. By those regulations, an apprenticeship was rendered necessary before an individual entered upon the profession, instead of a mere appearance before the board, and receiving a diploma. In the bill now before the house there was a clause which set forth that surgical assistance was often necessary in practising midwifery, and therefore that every person practising that branch of the profession should also have a license for acting as a surgeon. By this means a double imposition would be levied from persons acting as accoucheurs, which appeared to be unjust and unnecessary. *He was altogether an enemy to the principle of subjecting the surgical profession to any such restriction as this bill proposed; for if such a bill were adopted, he very much feared that the fees required for the diploma would alone be looked to, and that the examination would become a mere formality.*

“ Sir John Newport opposed the bill on the ground of its destroying the only check that now existed against an improper system of profes-



sional practice, *it would destroy all competition. The examination would be a mere formality. The only object would be the fee.*

“General Hart declared it the most exceptionable measure ever submitted to parliament. Its framers might with equal propriety have demanded, that the surgeons of the United Kingdom should all pass through a certain turnpike and pay-toll, in order to qualify them for the exercise of their functions, as to regulate their efficiency BY SUCH A TEST as was now proposed.”

This insidious measure was thrown out, as it deserved to be ; and the severe animadversions made upon it, especially by the present minister for the home department, are now amply justified by the spirit of a resolution emanating from the same body, dated the 19th of March, 1824, which we here present to the reader:—

“*Royal College of Surgeons in London.*—The Court of Examiners, in pursuance of their duty to promote the cultivation of sound chirurgical knowledge, and to discountenance practices which have a contrary tendency, have resolved :

“That, from and after the date hereof,

“The only schools of surgery recognised by the Court be London, Dublin, Edinburgh, Glasgow, and Aberdeen :

“That certificates of attendance upon the chirurgical practice of an hospital be not re-

ceived by the Court unless such hospital be in one of the above-recognised schools, and shall contain on an average one hundred patients :

“ And, that certificates of attendance at lectures on anatomy, physiology, the theory and practice of surgery, and of the performance of dissections, be not received *except from the appointed professors of anatomy and surgery in the universities of Dublin, Edinburgh, Glasgow, and Aberdeen; or from persons teaching in a school acknowledged by the medical establishment of one of the recognised hospitals, or from persons being physicians or surgeons to any of those hospitals.*”

The foregoing resolutions, of which the obvious and almost avowed object was to suppress competition in the persons of private teachers, are conceived in the genuine spirit of monopoly, and flagrantly injurious to private teachers, to students, and to the public. As private teachers can only rely for success upon an exertion of talent and industry superior to that of persons connected with great public bodies or institutions, who are thus, in a considerable degree, rendered independent of such exertions, it follows that those private teachers may reasonably be expected to supply the best course of instruction. To prevent their competition, therefore, is, besides the injury and

injustice to themselves, to preclude the student from having access to the best means of instruction, and the public from having the benefit of that instruction in the persons of their medical attendants, merely that the privileged drones of incorporations may slumber the more luxuriously on their pillows. It has been calculated that, between the 1st of January, 1823, and the 8th of July, 1825, 716 members have been admitted by the College of Surgeons, each paying 22*l.* . Thus, in little more than two years, there have been received by the College of Surgeons, deducting the price of the stamps, 15,036*l.*, of which 3,750*l.* have gone into the pockets of the examiners. There are, besides, five guineas divided amongst the examiners for every one who has been rejected; a guinea to each examiner for being present at the opening and closing of the court; the fees of persons examined for principal and assistant surgeons in any service; of officers examined touching their wounds or injuries; and for certificates of superannuation, &c. &c. &c.

We beg leave to add the following pertinent remarks on the subject of fees, from the Dublin pamphlet on Medical Reform above quoted:—  
“ It might, perhaps, be conceived by many that a corporation must ever find its best interest in restraining its avarice within moderate

bounds, and that, therefore, the error of exacting exorbitant fees would never be committed : but we have already seen, in the instance of the College of Physicians (of Dublin), that this error has been committed ; and that, so far from repressing their covetousness, this body even strengthened its operation by giving it the disguise of principle, and by alleging that exaction of fees contributed to increase the respectability of the profession. We have seen them bring about one of the most glaring monopolies that ever was effected in any corporation, and this in some measure from possessing, or rather exercising, the power of regulating the amount of admission fees." (P. 73.)

An authentic statement of the amount of all the fees and other emoluments of the several medical corporations of the United Kingdom, and of the manner in which they are expended, would be an exceedingly curious and an useful document. Speaking of the fees of the College of Physicians of Dublin, " I will tell the world," says the author just quoted, " how a part is expended ; namely, by *an annual vote of a hogshead of claret to their president, in order to insure to the fellows of this College suitable entertainment !*" (P. 63.)

After an exposition so ample, no farther argument, we apprehend, can be necessary to con-

vince the reader of the intense interest which the fellows of the College of Physicians in London, and all similar bodies in their degree, have in maintaining their monopoly within the narrowest possible boundaries. And no one, we should think, will venture to contend, that, for the gain of about forty-five persons (the resident fellows in the metropolis do not exceed that number), not even because they have been educated at certain universities, but because it best suits the views of the College to make that circumstance the title to the exclusive domination of a few individuals, it is proper that the entire population of this great metropolis, medical science itself, the whole faculty of medicine, and all the universities, should be exposed to a continuance of the injuries and the indignities which they have been made to endure from this source for the last three centuries.

#### CONSEQUENCES OF THE COLLEGE MONOPOLY.

The consequences of the exercise of the powers which have been conferred, or have been supposed to be conferred upon the College by charters or acts of parliament, and of the operation of those privileges which they have of their own authority assumed, have been: 1. To prevent the public from having an

adequate supply of medical advice of a proper kind, or a free choice of their physicians; 2. To withhold from the great body of physicians, throughout the British dominions, their undoubted right to an unrestrained and honourable competition for professional emolument and distinction; 3. To force the practice of physic into the hands of surgeons and apothecaries, and to multiply those classes beyond all due bounds; 4. To place all the branches of the medical profession in an artificial, forced, discordant, disproportionate, and constantly-fluctuating state; 5. To produce empiricism; 6. To increase and to aggravate disease; 7. To augment, at least in a three-fold ratio, the expenses incidental to sickness; 8. To retard science; and 9. To insult, to injure, and to degrade the universities. We shall, for convenience, treat of the matters laid down under these heads, without particular reference to the order in which they are here placed.

One of the prominent observations which most forcibly arrests the attention in entering upon this fertile subject, is the curious mixture of gross hypocrisy and surprising delusion with which medical incorporations perpetrate, in the name of humanity and of science, their most mischievous attacks on every thing that is scientific or humane:

In all your conduct, since in proud defiance  
 You'll bar the gates on nobody but SCIENCE,  
 Remember—as the pile by her was rear'd—  
 Always to keep her sanctity revered.  
 Let *seeming* Piety uphold the same,  
 And on the walls in gold inscribe her name;  
 Her *name* will bring no injury, I doubt,  
 Provided we can keep her *body* out.

*The College, a Satire, 1797.*

This grievance has very frequently, for ages, been the subject of remark:—"Without all question, the abolishment of a nipping domination over the growth of the art of physick, in the hands of a few *ingrossers* in collegiate societies, will in a short time be judged by the princes and estates of Europe to be most necessary; the exercise of it hitherto having been the great impediment of the progress of medicine."—(A Corner-Stone for a New College, &c. 1675, p. 26.)

Yet a century and a half have elapsed since the date of these observations, and three centuries in the whole, without any revision of the constitution of the College of Physicians here complained of, although it has been a constant and ever-active public nuisance. With respect to that most pernicious statute which, under the pretext of excluding improper persons, limited the number of physicians in London below a sixth or a tenth part of the

demand, it could have no other object than to establish a monopoly of the most odious kind, an object which it has most perfectly accomplished. The monopoly thus established has been no less injurious to science than to life and health. The indolence, love of ease, and independence of personal exertion, which exclusive privileges beget, not only are unfavourable to the internal cultivation of science, but create a jealousy of it from without. What inquiry of importance have the College of Physicians in London ever instituted? What inquiry of importance instituted by others have they not discouraged, misrepresented, or repressed? "The brightest talents," says Dr. Ferris (p. 145), "if not in alliance with the universities of England, are unavailing titles to patronage from the corporate society of the College. The blaze of unconnected genius may by accident display its brilliancy, but it has to burst its arduous way through a dense cloud of inveterate prejudice. Men of the greatest vigour of mind are often thus depressed, and condemned to toil in obscurity, excluded from all the legal privileges to which talents and industry, learning and virtue, fairly and unequivocally entitle them; whilst the grossest ignorance and empiricism, the most atrocious knavery in physic, is tolerated and



suffered to roll on in an uninterrupted course of luxurious prosperity." What discoverer, in fact, have they ever contributed to exalt or to reward according to his merits, with the exception of their own historian, Dr. Goodall, who had the singular good fortune to *discover the benefits conferred by the College upon society?* The practice of Harvey, we are told, considerably declined after his publication of the doctrine of the circulation of the blood. It was endeavoured to banish Sydenham from the College, as guilty of medical heresy; and he was actually balked the employment of the royal family. (Ferris, pp. 143, 4.) After death, however, when public opinion has duly consecrated his fame, who by his merits had too powerfully reflected upon them, and been accordingly honoured with their contumely or persecution, the dullest of these monopolists became sufficiently eager to identify themselves with his name, by obscuring his memory with their insipid annual orations!

In latter times it has been found impracticable for men of the most distinguished talents, as Drs. Garnett and Beddoes, to establish themselves in London; whilst some medical dray-horses, laden with the dogmata and saturated with the jargon of the schools, have experienced no such difficulty; but, on

the contrary, have been impelled, “in spite of nature and their stars,” into unsuitable elevation.

We are not to be presumed to mean that such conduct or principles are by any means peculiar to the College of Physicians in London. They have distinguished, and will always distinguish, bodies similarly constituted, at all periods and in all countries. Paracelsus, we are told, was abused by Erastus and all the academian professors throughout Germany, who behaved most tyrannically to him, and afterwards persecuted his very memory down to the year 1603; “at which time the laborious famous Quercetan, and Sir Theodore de Mayerne, were both of them in two several public sentences of the academian professors, and whole College of Physicians in Paris, printed by their order, condemned (and in positive terms the whole art itself of chemistry) as men not only unworthy to be consulted with by the physicians of that College: especially Mayerne, declaring him to be *an unlearned, impudent, drunken, mad fellow; exhorting all nations to abominate them both, and banish them and the like practisers out of their territories, as monsters of mankind*: and threatening all the fellows of that College, that *if they consult with either of them about any patient, they shall be de-*

*prived of all privileges belonging to their College. Which is also at this day one great mystery made use of by our London Collegiates, whereby they resolve to correspond or 'z with each other, in hope to ingross the trade among themselves."*  
*"But what, I pray you, became of Quercetan and Mayerne after this? You may read their sentences published at large, in that unanswerable book called Med<sup>ica</sup> Medicinæ, which was written by Dr. Marchant Nedham eleven years ago; where he tells you, that, for all this, the one of those condemned persons became famous in France, the king's chief physician, and lived to see the College repent of their folly, and their successors become admirers of those chemical books and remedies which they had so rashly damned. The other (viz. Mayerne) became physician to two kings of England and two of France, and left a name of great wealth and honour behind him."* — (A Corner-Stone, &c. pp. 22, 3.)\*

As we have shewn, by facts, that the proceedings of the College of Physicians, in London, with the professed view of suppressing empiricism, have been the cause of its so singularly flourishing in England, so we shall render it manifest, in a similar manner, that this curious body, instead of fostering knowledge, has served as a dense bulwark against

the admission of science. Waving all points of minor consequence, we shall at once exemplify the truth of this observation by their conduct in regard to epidemic diseases, which constitute so principal a part of the objects of medical research, that their investigation is stated to be a chief function of the medical academy of Paris. It was some considerable time after the establishment of the College, that the doctrines that epidemic diseases depend upon a specific contagion, now proved to be chimerical, were first imported into England. Did this body, established for the purpose of promoting medical science, ever think of instituting an inquiry into the truth or falsehood of opinions, which, in their immediate consequences, not only affect the lives and healths of whole communities, but commerce, navigation, and many others of the best interests of mankind? On the contrary, did they not receive, with implicit faith, dogmata on this subject which have turned out to be no less fabulous and absurd than the notions of Leverett the gardener, stated in our account of the College proceedings against empirics; respecting which, notwithstanding, the predecessors of the present learned monopolists deemed it necessary to institute some experiments and inquiries? Surely if it were thought

worth while to ascertain, by evidence, whether Leverett was the seventh son of a seventh son, and whether he could cure scrofula and other diseases by the touch, it might have been deemed worthy of some slight inquiry, whether diseases, which often simultaneously afflict the inhabitants of numerous countries and cities, frequently occasioning a dreadful mortality throughout the world, depend upon a cause, which, under a correct view of the subject, is found to be wholly incompatible with the existence of communities. The original Italian imposture embraced only one disease, the plague: and the College, instead of first scrupulously examining its correctness, not only implicitly adopted this opinion upon trust, but all the other equally erroneous opinions which grew out of it. The *discovery* that other epidemic diseases besides plague depend upon a specific contagion, as typhus, yellow, jail, and hospital fever, if not made by members of that body, was at least adopted by them without any previous inquiry.

Had there been no medical incorporation in London in 1665, the municipal authorities would not, we are persuaded, have ventured to adopt such irrational proceedings, in regard to the people, as were contained in the sanitary regulations issued under the sanction of the

College of Physicians upon that occasion, very few of whose members, it seems, waited to see their own regulations carried into effect. Had there been an unrestrained competition in medicine at that period, most assuredly, instead of a blind and culpable adherence to the fables of the Italian schools, some investigation into the causes of the prevailing malady, upon principles of common sense, would have been instituted ; measures more conformable to the real circumstances of the case would have been adopted ; and a great proportion of the hundred thousand lives, which fell a sacrifice principally to absurd and mischievous regulations, would have been saved.

But supposing there had not been a culpable neglect of inquiry, what would have availed the services of forty fellows of the College (there being then few, if any, licentiates, and the surgeons and apothecaries being absolutely prohibited from practising physic) among forty or fifty thousand sick, even if these physicians had all remained in the city ?—But having almost all fled from the scene of danger, we must conclude, that, as to them, the sick might have all perished for want of medical aid. And are we not liable, with a population doubled or trebled since that period, to the recurrence of similar calamities ? And, if there were no

other reason for the abolition of the College monopoly, ought not this one alone to be deemed, by our statesmen and legislators, much more than sufficient ground for such a measure? Only imagine the actual population of London to be empested, and under the care of 170 physicians of the College, with the notions which so many of them possess respecting pestilence. Whether they remained at their posts, or ran away, the inscriptions on the doors of the sick in 1665, "God have mercy upon us! Christ have mercy upon us!" would still be appropriate.

To come down to a period quite recent, had not a most criminal disregard to facts, or adherence to dogmata, prevailed in the College, it is impossible to believe that an expedition so disgraceful to medical science, both in its principle and results, as that of a British army to Walcheren in 1809, in the very height of the sickly season of that pestilential climate, would have been suffered to take place. It was upon the occasion of this expedition, that the physician-general to the army, who, *whilst he held that appointment, was perpetual president of the College of Physicians*, made the following celebrated confession: "If I was able to go (to Walcheren), *who know nothing of the investigation of camp and contagious diseases*, it would be

merely *pro forma*, and no possible good could arise from it." \*

Sir Pride! who sports, to make the vulgar stare,  
A tinsel coronet, he dares not wear,  
And what, with grief and wonder, strikes our senses,  
Writes *Archiater* and (alas!) *Castrensis*.

Upon ceasing to be physician-general to the army, this person ceased to be annually re-elected to the presidentship of the College of Physicians, after having uninterruptedly retained it for seven years. Is it on account of the patronage enjoyed by the head of the medical department of the army, that Sir James M'Grigor, although not a graduate of Oxford or Cambridge, has recently been made a fellow of the College of Physicians? But, to return to the Walcheren expedition: what will render the stupifying effects of the spirit of incorporation, in this case, the more striking, is, that the very same calamities had formerly attacked a British army, in the same place, and in the same season, and had been recorded as a warning by the physician-general to the army of that period! This was a matter of

\* Letter from the Physician General to Francis Moore, Esq. Deputy Secretary at War, dated Army Medical Board Office, 27th Sept. 1809. Printed by order of the House of Commons, 1810. See the Medical Observer, vol. 7, p. 382.



such notoriety, that, during the parliamentary inquiry which took place respecting the expedition to Walcheren, a new edition of Sir John Pringle's "Diseases of the Army" was published by the booksellers. In his account of the campaigns of Dutch Brabant, in the year 1747, that writer says: "But in Zealand the sickness was excessive among the battalions that had been there since the beginning of the campaign. These, partly in camp and cantonments, lay in South Beveland, and in the island of Walcheren, two districts of the province; and both in field and quarters were so very sickly, that at the height of the epidemic some of these corps had but 100 men only fit for duty, which was less than a seventh part of the battalion. That of the *Royal*, in particular, at the end of the campaign, *had but four men that never had been ill.*" (P. 70, edition of 1752.)

He observes (p. 73) that, of the four Zealand battalions, when they went into winter quarters, the "sick were in proportion to their men in health, *nearly as four to one.*" Sir John Pringle states precisely, and as if he had foreseen the Walcheren expedition of 1809, the usual periods of the commencement, decline, and termination of the epidemics of New Zealand. "The commencement of the epidemics," says he, (Chap. I.) "may be dated from some time

in July, or the beginning of August (the very month the army landed and sickened), under the canicular heats; their sensible decline about the first falling of the leaf; and end when the frosts begin.”

Could any thing but an habitual and total disregard to investigation, on the part of that body, account for a mortality of thirteen out of twenty thousand British soldiers, in less than thirty months, in the West Indies, the head of the College also unhappily presiding over the medical destinies of the army? It is a fact, that the person acting in this double capacity at that period, whilst he absolutely refused to appoint Dr. Wright, a fellow of the Royal Societies of London and Edinburgh, and afterwards president of the College of Physicians in Edinburgh, an army physician of long standing and known talent, to any situation of authority in that ill-fated expedition, had destined an inexperienced fellow of the London College, a mere tyro, to the principal place in it; which extraordinary intention he would certainly have carried into effect, at whatever further expense of life to the army, had he not been over-ruled by H. R. H. the Duke of York, the tried friend and benefactor of the army, who considered experience an essential ingredient in the qualification of a medical officer in high station.\*

\* Dr Wells's Works, pp. 392—397, note.

Is there, we would ask, an expedition or an armament, a fleet or an army, a campaign or a siege, a city or a fortress, during three hundred years, with which this learned body have had any thing to do, or ought to have taken cognisance of, that have not suffered from the positive ignorance, or false knowledge, entailed by the complete indifference to inquiry which is engendered by their fatal monopoly? The destruction of Hosier's fleet off the Bastimentos, in 1726, and the loss of twenty thousand lives with Vernon at Carthagená, in 1741, which by proper medical representations might have been prevented, are further examples of those catastrophes which we feel warranted in attributing to that utter apathy respecting the interests of the public, by which an exclusive attention to incorporation interests is necessarily accompanied: the mischievous effects of which are of course prodigiously multiplied when the functions of medical monopolists, and the duties of medical advisers of the government, unite in the same persons.

But the detriment to the community would not have been near so great, had the College only abstained from all exertion for the discovery or propagation of useful knowledge themselves, and not uniformly discouraged or opposed the efforts of others. Let us exemplify this conduct in regard to the same great

subject of epidemic diseases. The dread of pestilential contagion had given rise to an extensive code of legislative, municipal, and international regulations throughout Christian communities, which are on the Continent of Europe called “sanitary,” and in England, “quarantine laws.” In 1800 and 1805, committees of health, composed almost solely of fellows of the College of Physicians in London, sat on the quarantine laws, by order of government. Did they make any inquiry into the existence of the evil which they were appointed to remedy? Not a single inquiry. They would not even take cognisance of any of the arguments now admitted to amount to a demonstration, which had previously been advanced against the existence of that evil, trying to discredit them by alleging that they were wild and visionary, or designed to overthrow the *ancient and venerable establishments of quarantine and lazarettos!*

For the millions in charges and losses which these establishments, founded on a chimera, have cost this nation, as well as for all the other evils occasioned by their operation, the College of Physicians are, in justice and in reason, responsible. And, not satisfied with promoting and rewarding those medical disputants, who have hypothetically and servilely

maintained the correctness of this astonishing faith, they have defamed and persecuted with a fury proportioned to its absurdity, those investigators, who, by induction of experiment, have detected and exposed the delusion. The domestic champions of this mischievous error have even had the audacity, in concert with some fanatics of the Continent, to attack the legislature and the government of this country for only proposing a relaxation of the very pernicious regulations in question : and we cannot better designate their conduct in this matter than in the words recently employed by a distinguished statesman, upon the occasion of a similar wanton and outrageous opposition to the extensive application, by a colleague, of liberal and enlightened principles to the affairs of commerce generally. “ We must deal with the affairs of men,” said Mr. Canning, “ on abstract principles, modified, however, of course according to times and circumstances. Is not the doctrine and the spirit which now animate those who persecute my right honourable friend (Mr. Huskisson) the same which, in former times, stirred up persecution, against the best benefactors of mankind ? Is it not the same doctrine and spirit which embittered the life of Turgot ? Is it not a doctrine and a spirit such as this which consigned Galileo

to the dungeons of the Inquisition? Is it not a doctrine and a spirit such as this which have, at all times, been at work to *stay public advancement, and to roll back the tide of civilisation?* — a doctrine and a spirit actuating little minds, who, incapable of reaching the heights from which alone extended views of human nature can be taken, console and revenge themselves by calumniating and misrepresenting those who have toiled to those heights for the advantage of mankind.”\* This is language worthy of a British minister in the nineteenth century!

In regard to truth, between which and learned incorporations there appears to be a natural repulsion, the College have always found silence to be one of the most effectual modes of opposition. But in 1818, the subject was forced upon their attention by the privy council, in a manner that could not be eluded: and what did they do? Far from examining, as impartial judges, the facts and arguments which were referred to them, they thought proper, cautiously evading the main questions at issue, to pronounce an opinion, entirely as partisans, in favour of the existence of con-

\* Speech on the subject of the silk trade, 24th February, 1826.

tagion in plague; reposing themselves, for the ground of their belief, wholly on the alleged authority of the ancients, respecting an opinion with which it has not been proved that the ancients were at all acquainted.

Nor is it irrelevant here to observe, that it was considerably anterior to that not very philosophical period at which witchcraft, sorcery, and such notions and practices as those of Leverett, the Chelsea gardener, had not been yet exploded, that the belief in a specific contagion, as the cause of epidemic diseases, was first accredited and generally acted upon; and that this circumstance alone ought to have been deemed sufficient ground for instituting some inquiry into the merits of that belief, by the modern successors of those collegiates of 1637, who seriously set about investigating the truth of Leverett's allegations, and to whom if the College of the present day should boast of being superior in knowledge, it will be at the expense of being justly deemed to be inferior in virtue, inasmuch as they manifest a complete and unpardonable hostility to inquiry, of which even these their remote predecessors were guiltless.\*

\* For a view of the controversy on pestilential contagion and sanitary laws, see Maclean's "Results of an Investigation respecting Epidemic and Pestilential Diseases, including

Should any one affect to call this hostility in question, we would ask him, whether, during the inquiries that were instituted in parliament on this highly important subject, in 1819 and 1824, and the discussions that took place in the course of the last session, any efficient measures were adopted by the College towards its elucidation? Has it not, on the contrary, been their invariable custom to employ all their influence to prevent discussion and to perpetuate error? If they had recommended further experimental inquiry, would not their suggestions have been readily attended to by ministers? And is not the non-adoption of any plan by the government for verifying or disproving the conclusions already promulgated, or for further experimental inquiry, a sufficient proof that the College had

Researches in the Levant concerning the Plague," 1817 and 1818; "Evils of Quarantine Laws, and Non-existence of Pestilential Contagion," by the same Author, 1824; report of a select committee of the House of Commons on the contagion of plague in 1819; but particularly the evidence of Drs. Maclean and Mitchell; two articles on Contagion and Sanitary Laws in Nos. 5 and 6 of the Westminster Review; three reports of the Paris Academy of Medicine, in 1825; and numerous volumes, pamphlets, reviews, articles in the daily and weekly journals, and speeches in parliament, on either side of this question, which have appeared during the last session, or within the four or five years immediately preceding; *i. e.* since the investigation of 1819.



not only not proffered any such recommendation, but had given a contrary advice? Whilst the medical and scientific academies of other nations\* have been this year (1825) sedulously occupied in hearing and encouraging the discussion of the questions relating to this subject, which are now in the progress of investigation,—have not the College of Physicians in London been mute, sullen, and repulsive? Yet, for many reasons, and more especially on account of our great preponderance as a commercial nation, it would have been their duty as loyal subjects of his Majesty, and as cultivators of science, to have taken the lead of all the learned bodies of the world in these inquiries. But, as incorporators, it must be confessed that they had other and paramount duties to perform; in that capacity, they were in allegiance bound to endeavour, by all the

\* The Academy of Medicine of Paris have, in the course of this year (1825), through a commission, made three reports to the Academy of Sciences of that capital, in the last of which they recommend further experiments and inquiry, and the proposition of a large prize to the author of the best work upon this subject. This, it is ~~true~~, is scarcely less supererogatory than it would be to propose to ascertain whether there does or does not exist a Continent of America, or an Island of Cuba; but it indicates some small degree of susceptibility to public opinion beyond what has been shewn by our medical bodies on this side the channel.

means in their power, to prolong the reign of medical monopoly and delusion, and consequently to impede the progress of medical science. We perceive, then, that, in neglecting or opposing, for three hundred years, such investigations as might have led to the establishment of correct doctrines respecting the nature, cause, prevention, and cure of epidemic and pestilential diseases,—however immense may have been the sickness, mortality, misery, and expenditure, which have ensued from such a course,—the College were only obeying the dictates of their duty as monopolists and incorporators; and that, in order to put an end to such enormous evils, instead of uselessly censuring individuals for the exercise of the exclusive privileges which they find in possession of their body, the proper remedy would be to deprive them of their usurped power.

The same reasoning applies with equal force to other departments of medicine, and especially to the highly important subject of lunacy. Under an entire freedom of professional emulation and competition, it would have been quite impossible that the practice of physic should, in so many instances, have so long been guided by hypothesis or dogmata not only ridiculous or despicable, but palpably at variance with every principle of induction, and

every rule of right reasoning. It would have been impossible, but for the baneful operation of the monopoly which we have described, that persons afflicted with lunacy should have been exposed to the horrible treatment detailed in the reports of a select committee of the House of Commons in 1815; or that the measures proposed to parliament for the pretended purpose of benefiting the insane should be principally calculated to raise a magnificent revenue for the College of Physicians, in a manner that must effectually frustrate such beneficial purpose. It would have been impossible, but for the confidence erroneously placed by the public in the College or its individual members, that the insensate discipline, by periodical bleeding and purging, which the Portuguese settlers on the coast of Africa were wont to practise on themselves three centuries ago, should be suffered to be inflicted on the inmates of an hospital in the metropolis of Britain, in the nineteenth century.

According to Dr. Monro, in 1815 physician to Bethlem, "there has been a rule in the hospital for a certain number of years, that, in certain months of the year, particular classes of the patients should be physicked, bled, bathed, and vomited at given periods." (Min. p. 94.) "The bleeding is done twice a year,

about the month of May or the month of June, twice every patient, male and female. I vomit my patients freely; they are ordered to be bled about the latter end of May, or beginning of May, according to the weather; and after they have been bled, they take vomits once a week for a certain number of weeks; after that we purge the patients: that has been the practice invariably for years, long before my time; it was handed down to me by my father, and I do not know any better practice." (P. 95.) After this statement, it ought not to surprise us that, in reply to a subsequent question, the same physician should answer: "The disease is not cured by medicine, in my opinion; if I am obliged to make that public, I must do so." Yet he continues to order medicine which he is of opinion cannot cure, and knows to be disagreeable. This practitioner is a fellow of the College; and, in the true spirit of a monopolist, as he had received it from his father, he wished to transmit the situation, as an inheritance, to his son. That he considered it as of the nature of a patrimonial property, is clear, not only from the candid avowal that he had hoped to transmit it to his son,\* but from his declaration, "that cases did arise in which he would not go round the house *once a month*." Mr. Wallet, the steward, says: "I hear he

(the physician) has been round the house *but once these three months.*" (P. 35.) No physician, we will venture to say, but a fellow of the College would have presumed to treat the public with such marked disrespect. Further, it appears that no journal of the practice was kept; and no wonder, for it was worse than the lowest empiricism. Yet, when the relations of James Tilley Matthews, of whom we shall speak by and by, dissatisfied with his medical treatment, proposed to send medical aid from without, Dr. Monro would only consent to admit "*men of regular character in the profession—not empirics;*" meaning, no doubt, to exclude physicians who were not regularly incorporated.

It would have been impossible, but for the operation of the same cause, that such an outrage upon humanity as is thus described to have taken place, in the evidence of Edward Wakefield, Esq., should have been suffered to be perpetrated, and to be continued for a long series of years, on any individual in a civilised nation:—"William Norris stated himself to be fifty-five years of age, and that he had been confined about fourteen years. He was confined by a stout iron ring, riveted round his neck, from which a short chain passed to a ring made to slide upwards and downwards

on an upright massive iron bar, more than six feet high, inserted into the wall. Round his body, a strong iron bar, about two inches wide, was riveted; on each side the bar was a circular projection, which being fashioned to and enclosing each of his arms, pinioned them close to his sides. This waist bar was secured by two similar bars, which, passing over his shoulders, were riveted to the waist bar, both before and behind. The iron ring round his neck was connected to the bars on his shoulders by a double link. From each of these bars another short chain passed to the ring on the upright iron bar. We were informed he was enabled to raise himself so as to stand against the wall, on the pillow of his bed, in the trough-bed in which he lay; but it is impossible for him to advance from the wall in which the iron bar is soldered, on account of the shortness of his chains, which were only TWELVE INCHES LONG. It was, I conceive, equally out of his power to repose in any other position than on his back, the projections which, on each side of the waist-bar enclosed his arms, rendering it impossible for him to lie on his side, even if the length of the chains from his neck and shoulders would have permitted it. His right leg was chained to the trough in which he had remained, *thus engaged and chained, MORE THAN TWELVE YEARS.*"

Mr. W. Smith, M.P. (Min. of Evid., p. 152), says:—"The minute made at the time Norris was confined, stated, that the irons which had been prepared (without saying by whose order) were imposed upon him by the committee, *with the approbation of the medical attendants*; the fact of his having attempted to do injury to the servants, and of the handcuffs being ineffectual for his confinement, were very briefly stated; nor did it there appear, to the best of my recollection, that any other mode less rigorous was suggested; nor could I trace in any subsequent minutes of the committee, that any proposal had been ever made for mitigating his confinement in any way or degree whatsoever." It appears, indeed, that the first intimation of Norris's mode of confinement received by some of the members of the committee of governors, was *through the medium of the public press*; and we also learn that the keeper, for resisting and resenting whose brutal treatment that unfortunate person had been thus confined, was, at the time of the scuffle, in a state of intoxication.

In this place also, Mr. Tilley Matthew and Miss Stone, two persons of superior accomplishments, were, in common with many others, doomed to undergo, in various degrees, degrading, unnecessary, and inhuman modes of confinement, by being chained to the wall, some

of them frequently in a state of nudity, or only covered with a blanket. And that such modes of restraint are not only unnecessary and cruel, but highly pernicious, by aggravating disease, or preventing or retarding recovery, is decidedly the opinion of members of the committee of the House of Commons, as well as of persons who have practically superintended asylums of a similar description, as Mr. Finch, of Laverstock, Mr. Warburton, the keeper of three houses, Mr. Bakewell, of Staffordshire, and Mr. Thomas Dunston, master of St. Luke's Hospital, who, "*from forty years' experience, cannot conceive any case in which it could be necessary to keep a man chained down to his bed for nine years together, or for nine weeks.*" (Min. of Evid. p. 132.) The chain about his (Norris's) neck "was strong enough to hold almost a cart-horse." (P. 133.)

The neglect and misconduct in this establishment were altogether incredible. For *ten years*, the surgeon to the institution, Mr. Crowther, "was generally insane, and mostly drunk." (Min. of Evid. p. 104.) The keepers followed the example of their superiors; and the steward, a man upwards of eighty, had been "for the last five years incompetent." (P. 106.) Yet of these evils it does not appear that the physician or the apothecary ever



made the smallest representation or complaint. Why Bethlem was not placed under the superintendence of the College of Physicians, we do not know. If it was because the physician was one of their own fellows, whom it would be indelicate to control, the evidence shews how well-founded was this exemption from scrutiny or supervision. But, although the public asylums for the insane were not formally placed under the superintendence of the College of Physicians, was it not more incumbent upon them than upon other persons of liberal education and humane feelings, to have interfered as volunteers, in order to ascertain the nature and extent of those abuses, which were represented as so monstrous, in the treatment of persons under insanity, and to procure, since they have been deemed to be authorities on the subject, the application of an efficient remedy? Are they not, on this account, justly chargeable with sins of omission, as well as sins of commission? As the subject of the care and treatment of persons afflicted with insanity is one of the very greatest interest and importance to society; as it has not been yet sufficiently considered by the legislature; and as it will doubtless shortly undergo a fresh investigation, it cannot but be useful that we should here advert to abuses which have by no means been

yet fully remedied, and of which due animadversion may facilitate the total removal, or prevent, in a very considerable degree, the recurrence.

We shall presently state our reasons for thinking that the supervision of houses for the insane ought not to be intrusted either to members of the College of Physicians or to others of the faculty, but more especially to the former; and we can by no means regret that the public institutions of that description had not been formally placed under the supervision of those learned monopolists, when we consider the inefficient and slovenly manner in which they have discharged the duty which had been confided to them of visiting private asylums. Let us, in proof of this fact, take the evidence of the commissioners of the College themselves. “Dr. Richard Powell, their secretary, says (Min. of Evid. p. 69), “it is impossible always to compare the number of persons in confinement in any given house with the number of certificates.” “Seeing the certificate of every patient, and counting the patients, it would, I think, take the commissioners more than a day to go over the house of Sir Jonathan Miles, and *they probably are not there above two or three hours.*” (P. 75.)

Sir Lucas Pepys says (p. 107); that “the

time which can be spared by the visitors does by no means enable them to make very minute and particular inquiries as to the treatment of the patients," and that they "have found very little attention paid to their cure." Dr. Latham says (p. 109), "We visit *all* the houses *once a year*; and if there is any *particular* reason, we visit *again*, and *even a third time*, if the state of any house seems to require it." Mr. Sharpe says, that "when the commissioners visit the house of Sir Jonathan Miles, they do not compare the certificates with the patients who have been admitted." (P. 149.) Mr. Warburton says, "the commissioners usually visit his houses seldom more than twice a year." (P. 189.) "He does not conceive that the present inspection to which insane houses are liable from the commissioners is sufficient to prevent gross abuse, if the keepers were induced to practise it. The short time they are necessarily obliged to be in the house affords them but an imperfect knowledge, either of the manner in which the house is conducted, or the state of the patients' health. They are usually rather *under than over an hour*." (P. 192.) Now, what security, in the name of wonder, can such visitations afford that persons are not improperly detained, or that the descriptions of the persons confined

correspond with the medical certificates? Yet it is notorious, that, from various motives, a great number of persons are at all times improperly confined, under the plea of insanity, and often even without certificates. But the improper manner in which persons, who are undoubtedly fit subjects for confinement, are liable to be treated, under the present vague system of regulations, is a grievance of a still higher order. Facts of this description we even very frequently meet with detailed in the newspapers, as the foundations of law proceedings. Mr. Thomas Bakewell, proprietor of a house for the reception of insane persons at Spring Vale in Staffordshire, being asked whether it has ever come under his observation, that persons afflicted with insanity have met with bad treatment, either in private houses or in their own families, answers, "A great many. A patient of mine was taken home, in consequence of an agreement between the parish and his two sons to keep him for less money than I kept him. Some time after, in one of the most dreadful evenings of the last winter but two (1813), he came to my house in a most deplorable situation, having been all that day and the night before in a most dreadful fall of snow. His first expression was, 'I come to you to save me from those devils my sons, who will

murder me ; they beat me and abused me till I had like to have lost my life, and I hope you will save me,' He afterwards completely recovered, and is now again with his own family. His statement appeared credible from what I saw, for they threatened to beat him in my presence. (P. 123.) I am convinced that a lady of fashion and fortune withheld the means of cure from an elder sister, in consequence of expense, though that sister's own income was more than sufficient to procure the best means the country afforded : she is now kept at an obscure place, at a very small expense, and under very improper treatment. I knew an instance of a person of very respectable family, who became insane soon after giving birth to a son : such cases are generally supposed easy of recovery, from particular circumstances,—that it is merely a temporary irritation. She was packed up into a back garret, where she was coarsely fed and coarsely clothed, while her husband enjoyed every luxury that money could purchase in the house below, till that son became of age, and had her released. I know another family, who have kept a brother for seven years in confinement, without any means of recovery, for the sake, as I fully believe, of his property, though they are all in opulent circumstances. I have known an instance of a

son very evidently taking measures to prevent the recovery of his father; and have known several instances of people in opulence taking measures to prevent the recovery of their own brothers. I have seen evident proofs of vexation and disappointment in a wife, on the unexpected recovery of her husband; the same in a husband, on the unexpected recovery of his wife; and in a mother, on the unexpected recovery of a son. I have now in the house a woman who has been confined in a dark garret, without the comforts of a fire, for the best part of twenty years: her husband confessed to me that he had not seen her for many years; the servant told me, that nobody saw her but herself, and she only to take her food, and take away the necessaries: the woman was perfectly inoffensive. He himself was trading at the rate of a thousand pounds a week, by his own confession. Upon his bankruptcy, he was obliged to provide some means of treatment for her, and desired me to take her: I have found her very susceptible of good treatment; she seems to take a delight in looking at my children, and the comforts of a good fire, and has some little exercise, occasionally walking out in the open air." (Min. of Evid. p. 124.)

"Can you state to the Committee any facts relative to the treatment of the insane poor in

their respective parishes? — I know parishes where they keep lunatics, and I have every evidence I can have that they are very improperly treated. There is a workhouse in our neighbourhood where they have a cell which opens outwardly into the yard, but has no communication internally with the house, and where they have no comfort of a fire. My father knew a person who was chained naked, lying upon straw, for fifty years, in a workhouse at Ashbourn in Derbyshire.” (Min. of Evid. p. 124.)

“ I have,” says Sir George Paul, “ seen poor lunatics, not in the poor-house, who have been fastened to the leg of a table within a dwelling-house ; others chained to a post in an out-house ; and, in one instance, I witnessed the case of a man shut up, chained, in an uninhabited ruin, and food daily brought to him by his relations, living at a quarter of a mile distance.”\* This very much resembles the cruel treatment of empested persons, founded on a dread even more groundless. We might multiply instances of this inhumanity ; but those which we have described will be quite sufficient for our purpose.

\* Report from the Select Committee of the House of Commons appointed to inquire into the State of Lunatics. 1807. App. p. 21.

There are in the metropolis ten houses licensed, each for the reception of ten lunatics, and twenty-four for more than ten. (P. 165.) The number in the country is not known. The College of Physicians have received returns from 38; but, there are many from which no returns have been made; and from Wales they have not received any. For these and other reasons there are no certain data, by which to compute the whole number of asylums in the country, or of lunatic patients, whether in or out of asylums, throughout the United Kingdom. Mr. Dunston, of St. Luke's, estimates, conjecturally, the persons confined as insane, in London and its vicinity, at 6 or 7,000 (p. 127); and as he states that, whilst there was only one vacancy for an incurable patient at St. Luke's (the whole number of that description usually in the house being 100), there were nearly 700 candidates for that vacancy waiting, it may reasonably be inferred that there are always a considerable number of individual lunatics residing with their friends or relations, or privately under the care of keepers. Supposing, then, the whole number of insane persons, of every description, in London and its vicinity, to be from 8 to 10,000, it will not, perhaps, be too much to estimate the number throughout the United Kingdom at from 40 to



50,000. The errors of this estimate will, no doubt, be rectified by the returns moved for within these few days (March 1826) by Mr. Manning, in the House of Commons. But, whatever the correct number may turn out to be, there cannot be a question that to institute regulations the best adapted to the condition of a class of persons who have the strongest claim upon the exertion of our sympathies, is a most interesting object of legislation. In the language of Remarks submitted to the Committee of the House of Commons, for the Regulation of Houses for the Reception of the Insane, in 1815, " Upon the whole matter it distinctly appears, that in this great, and very delicate, and by no means easy subject, there are many points to be considered, which have as yet drawn but little attention; that much more consideration is required in order to make a good law than the business has yet received, and that two changes are most desirable: 1st. That a committee of the house should be formed to inquire, to digest, and to report; and, 2dly, that more time should be allowed."

Useless and trivial as have been the visitations by the commissioners of the College of Physicians of the private asylums for lunatics in London and its vicinity, even under the vigi-

lant eye of the public press and of parliament, the superintendence in the country has of course, under the absence of such incentives, been still more neglected, or rather there has scarcely been any superintendence at all. Mr. Thomas Bakewell says, "My house has never, during six years and a half, been visited, as directed by the act of parliament, by two magistrates and a physician together." (P. 121.) Godfrey Higgins, Esq. states, that, in the York Asylum for lunatics, "the physician had for many years past been the sole physician, sole visiter, and sole committee, and had the whole management of the institution." (P. 8.) There does not appear in the evidence any ground for believing that the neglect has not been general throughout the country, or that, in any one instance, there have been legal and regular visitations. The consciousness of mismanagement has rendered the task of visitation invidious, and access to strangers difficult. "Dr. Monro, the sole physician of Bethlem, also declined to allow the Committee (of a meeting at the City of London Tavern in 1814) to inspect (his private asylum of) Brookhouse, unless they thought proper to apply to the friends of each patient for their consent." Have the commissioners of the College ever inspected Brookhouse? The same Committee were also refused

admission twice to Gore House, Kensington, kept by Peter Giles Briand, and to Sir Jonathan Miles's receiving houses at Hoxton. That immense benefits may be conferred on the inmates, even of the best-regulated institutions, by inquiry and publicity, is shewn by the sensible meliorations which were almost instantaneously produced in 1815 in the asylums, both public and private, for the reception of lunatics in and around the metropolis, by the discussions of the press, and the investigations of parliament. But it is necessary, both to prevent a relapse and to maintain progression, that the same, or equivalent, incentives to improvement should be kept in perpetual existence. The utility and necessity of these investigations are no less forcibly evinced by the dread entertained of them, where improper proceedings are to be concealed. From the evidence of Godfrey Higgins, Esq. we learn that, "a few days after the governors (of the York Asylum) had ordered a general investigation by a committee into the rules and management of the institution (in January 1814), *the building was found to be on fire. FOUR OF THE PATIENTS WERE BURNT.*" (P. 6.) The inhumanity with which the inmates of this establishment were treated, as described by Mr. Higgins, almost exceeds belief. Some

of the patients were kept chained, on wet and filthy straw, in cells concealed from the visiting magistrates, and all of them occasionally treated with indignity, violence, and brutality by the keepers. Some were regularly flogged, bearing the marks of stripes upon their backs; and a labourer of the name of Thirkell, recommended by Miss Place of York, "after some time disappeared, and has never been heard of from that time to this. He was entered in the books 'removed.' " (P. 3.) The steward purposely and deliberately burnt the books of the institution. (P. 5.) The food was bad (p. 6): and great sums of money had been misapplied. (P. 7.) In August 1814, "all the servants and officers of the house were dismissed, or their places declared vacant, except one." (P. 1.) If circumstances such as these were found to have taken place, where inquiry was instituted, is there not ground to infer that they must have also occurred where investigation did not take place? A fault common to those asylums is, that, from avarice, the number of attendants is so inadequate as to lead to unnecessary restraint, and neglect of the patients. In St. Luke's there are only three male keepers, one to each gallery, and two assistants (p. 127); and Dr. John Weir states, that in Sir Jonathan Miles's house at Hoxton, "there

are only *three* menial servants to attend *one hundred and thirty-six* patients." (P. 120.) In the Salpêtrière in Paris, in 1815 there were eighty-seven attendants to 842 insane persons, being in the proportion of nearly one to eight. To the deficiency of attendants in its various degrees, it is owing that patients are compelled to lie in bed; that they are left naked, or allowed to wallow in dirt; that they are neglected in their food, and subjected to various wants or privations; that they are even scourged, or otherwise wantonly punished; and that they are chained to the wall, or to their bed-posts, in cold and damp and unglazed apartments; and, finally, that so many die, victims of corporeal maladies, who, by proper treatment, might have been easily cured of their mental infirmities. The death of Norris, Mr. Wakefield says, no person can doubt was, in all probability, brought on by the state of confinement in which he was held. (P. 13.) Mr. Lawrence says, "I examined his body: he had a very considerable disease of the lungs, a consumption." (P. 34.) Where the windows were unglazed, the hoar frost used sometimes to be seen on the walls; and Mr. George Wallet, the steward of Bethlem, from his experience in the treatment of lunatics, has no doubt that, in the old Bethlem, they greatly suffered from cold. (P. 39.)

It might alone occasion insanity, where it did not previously exist. James Tilley Matthews, who has been the subject of a book written by Mr. Haslam, the apothecary, not easily to be characterised, had been confined for seventeen years in Bethlem Hospital, during the greatest part of which time his relations or his friends had been in vain endeavouring to obtain his liberation! (P. 13.) They were dissatisfied with his treatment generally, but with his medical treatment particularly. (P. 15.) He was at last, upon becoming alarmingly ill, allowed to go out; but not until "he had very bad abscesses in his back, all of which he attributed to the cell that he had been originally placed in, and damp of the house, which, he said, affected most of the patients in the same way, beginning with a numbness about the thighs, and the lower part of the back, and frequently terminating in death." (P. 15.)

The circumstances we have detailed are quite sufficient to explain, why, in the public institutions generally, and in a great majority of the private institutions, for the reception of lunatics, so few recoveries take place; whilst in houses that are managed with superior care, judgment, and humanity, as the Retreat at York, under the superintendence of Mr. Tuke; Mr. Finch's asylum at Laverstock, near Salis-

bury; and Mr. Thomas Bakewell's house at Spring Vale in Staffordshire,—the recoveries bear a very great proportion to the whole number of the insane.

The committee of the House of Commons report, that they cannot “hesitate to suggest with the utmost confidence, from the evidence they now offer to the house, that some new provision of law is indispensably necessary for insuring better care being taken of insane persons, both in England and Ireland, than they have hitherto experienced; the number of whom appear to be very considerable, as the inquiries of the committee have convinced them that there are not in the country a set of beings more immediately requiring the protection of the legislature than the persons in this state; a very large proportion of whom are neglected by their relations and friends. If the treatment of those in the middling or in the lower classes of life, shut up in hospitals, private madhouses, or parish workhouses, is looked at, your committee are persuaded that a case cannot be found where the necessity for a remedy is more urgent.” Their observations are classed under the nine following heads: 1. Crowding of the patients; 2. Insufficiency of the number of keepers; 3. Mixing of patients; 4. Want of medical assist-

ance for the disease; 5. Unnecessary restraint; 6. Situation of parish paupers;\* 7. Detention of persons not insane; 8. Insufficiency of certificates on which patients are received; 9. Defective visitation of private mad-houses, under the provisions of the 14th Geo. III. c. 49. They resolved, on the 11th of July, 1815, that the chairman be directed to move the house, that leave be given to bring in a bill to amend and enforce the provisions of the act of the 14th of Geo. III. c. 49, intituled, "An act for regulating mad-houses." A bill was accordingly brought in on the last day of the session, when too late of course to proceed in any of its stages. Strong and numerous objections were urged against the provisions of this bill; and Mr. Rose finally became convinced that he had been misled by persons interested in the issue. Among these objections, the following respecting the appointment of visitors, as offered in "Remarks presented to the Committee of the House of Commons on Mr. Rose's Bill," are most essential: "One strong objection to placing

\* Under that wise and beneficent law of the 48th of Geo. III. c. 96, commonly called Mr. Wynn's act, it appears that only twelve counties have raised asylums for their pauper lunatics, the provision being optional, not imperative, which is a defect. (Min. of Evid. pp. 10, 11.)



these houses in the hands of the College of Physicians is, that it excludes perhaps the most numerous and the best-qualified part of the profession practising in London, who have been educated at the Scottish universities. The College of Physicians is a monopolising corporation, which is sure to act with a narrow, self-interested spirit. They are rendered not only the electing body, but the elected; they are to be both the choosers and the choosed; they make the job, and they enjoy the profit." Another forcible objection to the proposed bill was, that one of its effects would be to raise a large revenue for the College of Physicians; at the expense of the insane or of their relations.

In the session of 1815, on the proposition of the Lord Advocate, an act was passed for regulating mad-houses in Scotland, (55th Geo. III. c. 46.) The committee, of which Mr. Rose was chairman, continued their useful labours; and, on the 28th of May, 1816, made another report, confirming their former opinion as to "the insufficiency of the provisions of the act of the 14th Geo. III., and to the indispensable necessity of a new law to supply its defects." After a further examination of witnesses, they again directed their chairman "to move the house for leave to bring in a bill to repeal the

act of the 14th of Geo. III., and the act of the 55th of Geo. III., for regulating mad-houses in Scotland, and for making other provisions and regulations in lieu thereof."

In 1816, a bill was accordingly brought in, and passed the Commons; but we have not been able to trace any proceedings respecting it in the House of Lords.

In 1817, a bill was again passed in the Commons, and again we find no traces of it in the Lords; nor does it appear that, at any subsequent period, any law for the regulation of mad-houses has been enacted. This important subject, therefore, remains to be disposed of by the legislature; and, as it is necessary that the investigation should be commenced *de novo*, we are of opinion that it cannot be better conducted than in conjunction with the inquiries, which are here shewn to have become indispensable, respecting the state of the several branches of the medical profession throughout the British dominions.

But, although no law has yet been passed, it cannot be denied that, in the mean time, essential benefit has arisen from the proceedings of the committee of the House of Commons; and much more will necessarily be produced by giving publicity to the principal points of the evidence, in the succinct and per-

manent form in which they are here recorded. Even the secretary of the College commissioners admits "that the inquiry of the committee last year, and the representations that were made to the persons keeping these houses, as well as the general attention of the public being called to this subject, have been the means of improving the condition of this unfortunate class of persons, the pauper patients confined in these houses." (Min. of 1816, p. 76.) This is also well exemplified in the conduct of the commissioners themselves, who, instead of once or twice a year, as formerly, have visited the licensed houses *six times within the last half year.*\* (P. 75.) But the increased efficiency does not by any means appear to have kept pace with the increased frequency of those visits; for the commissioners could not possibly have sufficiently examined 486 patients in less than three hours. And although in the month of November, the secretary says, that "it was stated to Mr. Rhodes, that the allowance of blankets was insufficient at that season of the year," he does not know, in the month of March, "if any steps have been taken to provide covering for the paupers since that period." (P. 76.) In the evidence of 1815, we find the secretary relying on the efficacy of his own personal representations to the keepers

of mad-houses for the removal of grievances, and Dr. Weir (p. 30) complaining that Sir Jonathan Miles had offered him presents! Under such a system of inspection as that of the College, it is absurd to expect that either the improper treatment of persons actually insane, or the detention of persons as insane, who are in their sound senses, can be detected. "I asked one of Mr. Warburton's keepers," says Mr. Wakefield, whose inspection was not quite so slight as that of the commissioners of the College, "what was the particular sort of insanity with which (the Rev.) Mr. Chawner was afflicted?" His reply was, "He is no more mad than you are; but it is a mere family dispute; he is confined by his wife and relations." (Min. of 1815, p. 189.)

Of all the objects connected with this important inquiry, the first and most essential to determine is that which regards inspection, because without an efficient inspection, there can be no assurance that any of the other objects of lunatic establishments will be properly fulfilled; and although it may not be so easy a matter to decide to whom this duty ought to be confided, it has been rendered sufficiently clear that it ought *not* to be confided to the College of Physicians, nor probably to any other professional men. At

page 30 of the Minutes of Evidence of 1815, a constitution is proposed for this purpose, by Dr. John Weir, which seems to be somewhat less exceptionable than the present one. But, without here pronouncing any definitive opinion on the merits of his plan, we may be allowed to observe, that further inquiry and consideration are indispensable. By these only can the best system of inspection be ascertained.

But the aid of publicity is indispensable to render any system of inspection completely efficient. We perceive, by the evidence, the miracles which it has in a short time performed, in augmenting the visits of the College commissioners, diminishing coercion, increasing attendants, multiplying beds, glazing windows, regulating the heat of apartments, begetting cleanliness, providing amusement, occupation, and medical treatment, allaying the despotism of insolent or brutal keepers, and producing other surprising and wonderful changes. But without continued vigilance, and these asylums being, in a great degree, open at all times to public investigation, the improvements so produced can be only transient.

There are two other essential points to which we think it necessary here cursorily to advert—the cure, and the minimum of restraint; or

rather the physical and moral treatment of the patients. There can be no doubt, that, analogous to what is found to be the case in other distempers, lunacy, in all its stages, is capable of being alleviated or removed by the application of proper means. Whilst this truth is certain from reasoning *à priori*, as it respects all diseases, we have practical proof of it in the results of different modes of treatment. It distinctly appears, that whilst in houses in which the restraints have been unnecessarily harsh, the attendance inadequate, the apartments unwholesome, and medical and moral treatment wanting or deficient, the recoveries have been very few indeed ; in those in which there has been no coercion beyond the means requisite for detention, and in which the attendance has been sufficient, the accommodations good, and the medical and moral treatment appropriate, the recoveries have been numerous. Of recent cases, a very great majority is found susceptible of cure. In the house of Mr. Finch, for instance, of forty-two patients admitted one year, twenty-two were cured, and seven convalescent, in the same year. (Min. of 1815, p. 50.) Out of 100 patients, seldom more than two or three were under personal restraint. (P. 51.) He has had patients remain with him by choice after they

have been recovered. (P. 52.) At Mr. Bakewell's house, of seventy recent cases, or such as had not been more than two months ill, sixty-two were discharged recovered, two died, and five were in a convalescent state; of forty-seven old cases, or such as had been from two months to two years ill, twenty were discharged recovered; and of twenty-seven very old cases, or such as had been more than two years ill, two only have been discharged recovered. (Min. of 1815, p. 125.) At Mr. Rickett's house of Droitwich, whilst of 321 old patients, many of whom had been removed from public hospitals, fifty-three only recovered; of 298 recent cases, 226 were perfectly cured. (Min. of 1816, p. 45.) The custom is exceedingly improper which prevails in some public as well as private institutions, of considering insane persons incurable after a twelvemonth's probation, when even no means of recovery, or worse, have been employed. The proper moral treatment comprehends of course an adequate number of keepers, and the proper medical treatment an adequate number of physicians; and, in both respects, it is to be lamented that our public institutions for the insane generally, if not universally, as well as many of the private ones, are the subjects of complete jobs. We have already shewn by facts the inadequacy

of the number of keepers in our public establishments; and, in respect to the inadequacy of the number of physicians, instead of our own opinion, we shall give that of the present president of the College, Sir Henry Hallford, who says, "I should think it better to have two, three, or even four physicians (than one) to attend such a number of patients (100)." (Min. of 1816, p. 14.) Now, seeing that there is seldom more than one, or at the utmost two physicians, to an hospital containing several hundred patients, and that even these, instead of giving their whole attendance to them, do not so much as take a daily glance at the sick, it cannot be denied that the deficiency of medical attendance, where it is the least, is lamentable, or that the whole is neither less nor more than a rank job. Nor can we at all admit, that the substitution of surgical or pharmaceutical attendance, even if it were constant, and not also participating of jobbing, could form an equivalent to that of the physician.

With respect to the forms of admission, we may observe, that in France, besides the medical certificates, and the consent of the administrators of hospitals, we are informed that the sanction of a court of justice (*la cour du première instance*, we believe,) is necessary to authorise a lunatic patient being received; the proceed-



ing being deemed to deprive him of his civil rights. Some inquiry into the customs of France, and other countries, respecting this matter, before any law is passed in this country, could not fail to be useful.

We shall conclude this melancholy but interesting subject, by stating a few of the abuses which are said to have prevailed in one of the large private institutions for the reception of insane persons in the vicinity of the metropolis, which may be taken in illustration of what doubtless exists in various degrees in most others. They are principally extracted from the evidence of Mrs. Mary Humières, for nearly three years housekeeper at the White House (one of Mr. Warburton's) kept by Mr. Talbot, at Bethnal Green; confirmed by Mr. J. W. Rogers, who had been for several years attending apothecary to that establishment, as well as by other direct or collateral testimony. "I found Samuel Ramsbottom beating Mr. Driver with a pair of boots in a most dreadful manner; he had beat him out of bed, and the young man ran down the gallery with Samuel after him. I immediately told Mr. Talbot of it. He said Samuel was a cruel brute. His general conduct was extremely brutal, in kicking the patients and thumping them. Mr. John Dunston, Mr. Talbot, and Mr. Rogers saw him

striking Captain Dickinson in a dreadful manner: I heard Mr. Dunston say, 'Sam is too great a brute to have the management of patients; and, Talbot, you ought to send him away.' Mr. Talbot said, 'I will see about it,' or something to that effect. I left him a keeper when I came away. He used to strike Mr. Holmes. It was his constant practice to strike the patients. There was nothing in the conduct and behaviour of the three patients whom I have mentioned, that seemed to render coercion and severe treatment more necessary in their case than in that of other patients. There was a turbulent female keeper of the name of Betty Welch; she was very harsh and cruel to the patients. I have seen her lock Isabella Adams (who had been confined in a place which had been originally a pig-sty) down in her crib with wrist-locks and leg-locks, and horsewhip her; I have seen the blood follow the strokes. I have seen her horsewhip her three or four times. She did it by the order of Mr. Talbot; he gave me the order, and I begged him to tell Betty Welch himself. The order was: 'Betty, I desire you to go and take Isabella Adams, confine her to her crib, and give her a good horsewhipping.' She had been trying to make her escape. He said that he had leave from the St. George's gentlemen (she

was a parish patient); that they told him the best thing he could do with her was to give her a good horsewhipping. She never was horsewhipped after the trial came out of Mr. Chawner. Mr. Talbot made this observation to me: 'Mrs. Humieres, we must not follow that practice of flogging Isabella Adams, or else the public will get hold of it; a whip is not to be suffered to be used in our house.' The whip used was one with a whalebone handle, and a long lash, a sort of dog-whip. Betty Welch also beat and ill-treated Mrs. Elliot. She was, after a few days, fetched away in a great hurry by her husband, who was very angry, and said to me that she was ill-treated. The same keeper very much abused Mrs. Cook; she had a dreadful black eye, which Mr. Warburton himself took notice of to me. I told him how it happened. Betty Welch remained a keeper when I came away. There was a keeper of the name of Bridget, who was particularly severe: I caught her one morning early flogging the poor women out of bed with a birch broom, and forcing them under a pump into a tub of water to wash them, when the snow was on the ground. I have seen her repeatedly strike the women under her care. For the keepers to strike the patients was a practice too commonly used among the

poor people, and amongst the patients in general, I may say. I have seen the patients covered with bugs. It was an amusement for them to kill them as they ran up the wall." (Min. of 1816, pp. 81—84.)

"During the time of the typhus fever, I recollect Dr. Hooper coming to see the Marylebone patients when they were getting well: he asked me how much wine they then took; I told him half a pint a day each patient. When I went down, Mr. Talbot asked me what had been said; I told him: he said, I ought to have told Dr. Hooper a pint of wine a day to each patient, instead of half a pint; that Marylebone parish must pay for the others."

"The clothes intended by their friends for the patients are kept back, and sold by the mistress to the master of the house for the purpose of clothing the private patients. I have known the linen of Mr. Holmes, Captain Harvey, Mr. Cockerton, and a number of others whose names I cannot recollect, to be kept back. Mrs. Talbot sold it to Mr. Talbot. She has employed Mr. Talbot's niece for days together to pick out the marks of different people's things; and I have helped to pick them out myself. When the clothing of the parish patients is brought in, it is taken up into the linen room and put up. From the parish of

St. Pancras the flannel petticoats and aprons are chiefly used towards clothing the country patients, whom Mr. Talbot has to provide with clothes, likewise St. Andrew's; the St. Mary-lebone white petticoats have been frequently cut up and made into blankets for the use of the house; I have myself cut up fifteen at a time, by Mrs. Talbot's order. (A paper was handed to the witness.) It is the bill of those things which had accumulated from the different patients, which Mrs. Talbot desired me to set down. That bill was made out by me, and the value put upon them as per bill, for the purpose of their being sold to Mr. Talbot, and the proceeds given to Mrs. Talbot. He agreed to pay it, but I do not know whether he did pay it. I heard him say he had." (Pp. 85, 86.)

"I remember Mrs. Hodges dying in the act of forcing, by Mary Seale, with water gruel. Several other cases of sudden death took place whilst I was in the house. A gentleman who came from St. Luke's died in his chair in the kitchen; and a man hung himself. No coroner's jury was summoned in any of the cases, excepting that of the man who hung himself. Recollects being informed by Mrs. Talbot of a gentleman dying whilst in the act of being forced to swallow food by Samuel Ramsbottom. Mr. Talbot, although the gen-

tleman several times called to him for God's sake to come up, or he should be killed, could not be persuaded by Mrs. Talbot to go near them. Has known Mr. Talbot for two months together not to go round the house at all. He was very seldom at home. I had the whole management of the house." (P. 86.)

Mr. J. W. Rogers, surgeon, has known the keepers Talbot and Rhodes neglect to go round and see the patients for a period of two months. (Min. of 1816, p. 5.) Mr. J. B. Sharpe, who attended the house of Sir Jonathan Miles as surgeon for five years and a half, says that it was not until the last year of his attendance (*pending the parliamentary inquiry*) that he ever saw him in that house at all. (Min. of 1816, p. 62.)

To return to the evidence of Mrs. Mary Humieres: "Mr. Talbot has desired me not to shew the commissioners a brick room in the poor women's yard, unless they found it out themselves. It was a very cold, dismal place. In this place there were at least eight cribs. Amongst the pauper women patients, the dirty and the clean were placed in the same room all together. Those who were in blankets, or threw their clothes off, had each of them a rug, that is to say, a quilt made from the Marylebone petticoats, to cover them at night. A vast number of the patients slept two in a bed. On the

poor men's side there were, I believe, a dozen or fourteen double beds; and they were all double beds on the female side, except the cribs for bad patients." (Min. of 1816, p. 87.)

The state of the private mad-houses in Scotland, as we learn from certain documents inserted in the Appendix to the Reports of 1816, is in general most miserable; and the condition of the insane in Ireland is, if possible, even more calamitous. They run about the fields, the sport of the thoughtless, until they become so outrageous that it is thought necessary to send them to Dublin, tied with cords in such a manner that the most injurious consequences frequently ensue.

During no period, for centuries, have the physicians, surgeons, or apothecaries in London increased\*in the proportion of the increase of the population, or according to any other determinate rule; but according to causes perpetually fluctuating, as depending upon the arbitrary and varying rules by which the profession has been governed, and the forced and artificial state in which its several branches have been maintained. The number of physicians, for instance, has depended upon the opinion of the College; not of the sum of medical aid which was required by the population of the town, but of the degree to which it was expedient for

the interests of their usurpations, and at the same time practicable that the number should be limited. Upon this excessive limitation, in its turn, depended the excessive increase of surgeons and apothecaries, and the growth of empiricism. Upon the avarice, pride, or resentments of the College, and not upon any ideas of public good, depended the number of prosecutions, fines, imprisonments, and interdictions: upon the exigencies of their exchequer, or the necessity of meeting some casual objections, or temporary obstacles to their views, depended the number of medical recruits that was, from time to time, admitted to the honours of the licentiateship: and, upon all these circumstances combined, the extent of the spoliations upon the profession and the public. During the sixteenth and the greatest part of the seventeenth centuries, these spoliations, as we have seen, were frightful; and during the last century and a half they have only changed their form. Seeing that the College could never have imagined that twenty physicians during the sixteenth, and forty during the seventeenth century, every one of them being, supposed to be at the highest point of professional competency, could have been more than sufficient to supply one-tenth part of the sick of the metro-



polis with medical aid,\* and that they cannot be supposed to have wished the other nine-tenths of the sick to be precluded from the possibility of obtaining medical aid of any description (which, however, would have been the case had their prosecutions been successful for their professed object), we hold it to be but charitable to conclude that the real objects of the extensive system of prosecution, fine, and imprisonment, which they had succeeded in establishing, were to obtain money, and to keep all those whom they denominated empirics and illegal practisers in subordination and subjection to themselves. If they intended more, their object was inhuman, and fortunately impracticable: for, sickness existing, the public, if precluded from having adequate medical aid, according to the forms of law, are not to be prevented from having recourse to such illegal assistance as is at hand; and the contraband traffickers in medicine, sufficient inducements in the way of remuneration being offered, are not to be deterred by penalties from the exercise of their vocation. But whatever might

\* The number of physicians in towns in America, and other countries, not having above 100,000 inhabitants, generally far exceeds the number at present in London. In Copenhagen there are said to be only *five* apothecaries.

have been the intention of the College, the effects of their conduct were precisely the same. One of these effects was to make nine-tenths of the practice of physic in London wholly contraband; and another, to transfer into their own pockets, from those of the illegal practitioner, the greatest part of the produce of that contraband trade, along with that of their own regular fees, arising from the other one-tenth, depending upon their usurped privileges; a third to heap on the community treble expenses in sickness;\* and a fourth to expose them to maltreatment and death, from the furtive application, and necessarily inferior quality, of medical treatment.

\* The expense incidental to sickness in London has been shewn to be nearly three times as great as in Paris. The number of medical men of all denominations in 1825 has been computed at 3,475. Supposing, on an average, each of these persons to gain 1,000*l.* a year, their whole income would be 3,475,000*l.*, two thirds of which are 2,316,668*l.* And supposing each to gain only 500*l.* a year, their whole income would be 1,737,500*l.*, two thirds of which are 1,158,334*l.* But taking the expenses incidental to sickness in London only at double what it is in Paris, the extra expenses will, upon the highest estimate of income, amount to 1,737,500*l.*, and upon the lowest, to 868,750*l.* According to these data some idea may be formed of the amount of the tax levied upon the inhabitants of London, in the shape of extra charges for sickness, during a period of three hundred years, in consequence of the monopoly of the College of Physicians.

The inevitable effect of limiting the number of College physicians on the one hand, and of prosecuting all those who were not College physicians, for practising physic, on the other hand, whether graduates of universities, surgeons, apothecaries, or empirics, was, as we have said, to render the proportion of that practice which could not be conducted by the College entirely furtive. In these prosecutions, in which the College were, for a century and a half, almost perpetually engaged, *for the good of the community* forsooth, they were themselves, *for the sake of more summary justice, party, judge, jury, and executioners.* The proceedings were of course conducted with gross partiality and unrelenting despotism. Those who would incur the risk of such a persecution were obliged to indemnify themselves by levying extortionate fees from the sick; and the sick were obliged to submit to those sacrifices, for the sake of having some sort of assistance in their illness. It was accordingly not uncommon that these secret practisers received beforehand from a patient ten, twenty, thirty, or forty pounds, or even more; that the first set being imprisoned or frightened away by the College, the patient had to look for others, and perhaps repeatedly to go through the same process, until he was ruined, at least in his

purse, if not in his health and constitution, or even deprived of his life. This state of things gave rise to a most extensive system of information, in which the injured or offended patient, or perhaps the unprincipled patient, wishing to avoid the payment of a just debt, frequently became an instrument of the College, who were never unprepared to receive and to welcome complaints. Whether these complaints were well or ill founded, and they could not be uniformly correct, the result appears to have been always the same. Thus illicit practice, informations, prosecutions, fines, imprisonment, and interdiction went on in a continued series, and with a constant increase of the evil which it was their professed object to obviate, until its very excess produced consequences which in some measure operated as a remedy. In those *qui tam* actions, in which the College themselves appeared in the character of informers, the king's moiety of the fine was abandoned to them, for which privilege they agreed to pay *6l. per annum* into the exchequer. (Goodall, pp. 106 and 108.) This circumstance will, perhaps, explain the extraordinary fact, that, when illegal practitioners were charged with killing their patients, as in the case of Edward Owen (Goodall, p. 322), John Grove (p. 340), Tenant (p. 366), and Thomas Cooke (p. 422),

a fine to the College was considered a sufficient atonement! Amidst this harvest of confiscation, the generosity of that body will doubtless be regarded with astonishment, in having bestowed upon the destitute sister of Dr. Linacre, their founder, who had bequeathed to them all his property, the absolute amount of *one* of their *smallest* fines, or *forty shillings*, as an annuity! And it may serve to give some further idea of the extraordinary contaminating power of the incorporation spirit, when we know that men like Arbuthnot and Mead were seen joining unscrupulously in some of the very worst of the College proceedings, as in their persecution of Goodwin. (See his case at p. 117.)

In the course of the seventeenth century, the number of the apothecaries, owing to the causes which we have assigned, having increased to about a thousand, they became daily bolder and more open in practising physic, and the College of Physicians daily less able to restrain them. But, instead of investigating philosophically the causes of this state of things, it was superficially or feignedly attributed by the College to the contumaciousness of the apothecaries,

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— taught the art

By doctor's bills to play the doctor's part.

“ And for such their demerits against the College,” says Dr. Merrett, (p. 20,) “ the king and his council, anno 1639, granted a *quo warranto* to the attorney-general (the judges having first heard the whole matter) to take away their charter, which doubtless had been effected had not the troubles and long civil war immediately ensued.” However this may be, it is certain that the apothecaries, like other men, as they became more numerous and more powerful, became also more insolent and more unreasonable. They would, we are told, admit no arbitrators between the College and them: and they even refused to refer for a clause to their charter (as the surgeons did) to Sir Orlando Bridgman, chief justice. In 1669, as we are informed by Dr. Merrett, “ the censors, *discouraged by the multitude of empirics swarming in every corner*, omitted their wonted searches, being to their loss of time, and expenses out of their own purses, *for the public good only.*” (P. 9.) And in another place, he says, “ Their increasing disrespect and undervaluing the College appears in this, that of late years they place our censors, invited to their new master’s dinner, at their *second* table; whereas always heretofore they were seated at the *first* table, next to the master of the company.” (P. 23.)

The disproportionate increase of surgeons

and apothecaries, in the ratio of the undue limitation of physicians, necessarily continued progressive. It was in vain that the College endeavoured to prevent these results, by the institution of dispensaries, and burning before their doors the drugs and medicines of the apothecaries, when they chose to find them bad, together with other means, all of which, although professedly for the public good, were in reality contrived with a view to maintain undiminished the power and usurped privileges of the learned incorporation. At length, in the beginning of the eighteenth century, a new era, in respect to the relative power and authority of the different branches of the profession, arose. By the decision of the House of Lords, in 1704, in the case of William Rose, already stated, the College were definitively and formally deprived of the privilege, which indeed had already become obsolete, or impossible to be successfully exercised, of preventing apothecaries from practising physic. This branch of the profession, which formerly in England, and at all periods in other countries, had been limited to the compounding and dispensing of medicines—to the practice of pharmacy, were now enabled legally to unite in their own hands all the functions of all the other branches. The surgeons soon learned the advantage of

imitating the apothecaries; their functions being much blended, they both in effect became physicians, in common with the members of the College; with this difference, that in consequence of the high fees, which their monopoly enabled the latter to exact, the public always in the first instance gave the preference to the former; and in this state of things, a physician was never called in until his presence became necessary to exonerate the surgeon or apothecary, and to sanction the death of the patient. The constant cry of the Colleges of Physicians of England, Ireland, and Scotland, has been that the surgeons and apothecaries are encroaching upon their province; not observing, or not choosing to observe, that this encroachment principally arises from the undue limitation of their own numbers, and their consequent excessive fees, and that, *under such undue limitation and charges*, the substitution of the surgeon, or apothecary, or empiric, for the physician, is the inevitable result of the wants of the community.

Power and authority had now completely changed sides. Formerly vested in the College of Physicians, they were quietly and insensibly transferred to the surgeons and apothecaries, but especially to the latter, who had become supreme in physic, and would, in dif-



ficult cases, at length venture to consult with each other, or refuse to call in any of the faculty, but such as were noted for being "*good apothecaries' physicians*," i. e. for prescribing rather for the apothecary than for the patient, by directing a superfluous, and often a hurtful quantity of medicines. Since this period, the College prosecutions against surgeons, apothecaries, and even empirics,—against all but the graduates of universities,\* the real and only members of the faculty, according to the university acceptation,—have *ex necessitate* almost wholly ceased: and, in consequence of the very inordinate increase of surgeons and apothecaries, freed from the prosecutions of the College, empiricism or quackery has very considerably diminished: or rather that portion of the practice of physic which was formerly in the hands of empirics, and which the College, from their small numbers and their high fees, could not appropriate, has fallen, as a matter of course, into the hands of the surgeons and apothecaries, who now indeed possess almost all the medical practice of the empire. Thus, if quackery be such a serious evil as is represented, some good has incidentally arisen from its supercession by an-

\* See the cases of Dr. Schomberg and others.

other evil. Here we have the true cause of the diminution of empiricism in London, in recent times, upon which the prosecutions of the College were of course able to produce no impression, whilst they were by their regulations perpetually maintaining and strengthening its cause. This mode of suppressing an evil, by knocking it down with the one hand, and raising it up with the other, is the very quintessence of incorporation philosophy.

But by these incidental and almost fortuitous changes, it does not appear that the condition of the public, of medical science, of the faculty, or of the universities, has been materially, if at all, bettered. With respect to the sick, they may now, it is true, have the avowed attendance of the surgeon or apothecary, instead of their clandestine attendance as before, in cases in which they ought to have a physician. And in what manner does this operate? We do not here mean to raise any invidious comparison between the presumed competency of the physician and of the surgeon or apothecary, for medical prescription; we shall even suppose them to be equally qualified: and the truth is, that many surgeons and apothecaries in London are, both from experience and education, entitled to be considered as possessing the very highest degree of medical competency.

The only question, which concerns us here, is, whether the person who depends for the recompense of his labour upon giving advice, or he who depends upon giving medicines, has the most interest or inducement, competency being equal, to prescribe solely for the benefit of his patient? If the former, then no doubt can exist of society being injured by the practice of medicine being in the hands of the surgeon and apothecary, instead of the physician. It cannot indeed admit of a question, that those who depend for the recompense of their labour upon the quantity of medicines which they dispense, have a strong inducement for sending more drugs to the patient than his situation requires, or that their interest is placed in direct opposition to their duty. Accordingly we hear of apothecaries' bills to families in London being swelled, in the course of a few months, to one, two, or even three hundred pounds, probably thrice as much as would be sufficient to remunerate the physician, even at the present high rate of fees, during the necessary periods of attendance, under the same illnesses. The case is further aggravated, when it happens to poor or middling families to have their bills gradually or unexpectedly swelled out to a large amount, which they are perhaps unable to pay, and for which they may be

prosecuted, imprisoned, and finally ruined ; whereas, under the care of the physician, they cannot, at any rate, be unknowingly led into an expense beyond their means. These evils are referable to a common source : but of all anomalies it seems the most strange, that the branch whose original functions consisted in the compounding and dispensing of drugs, should, in the British dominions, now engross the functions of physician, surgeon, apothecary, and accoucheur, under the assumed title of “ *general practitioner!*”

When the monopoly of the Collège was endangered by a collision with the universities, as in the early part of the eighteenth century, and this source of alarm was augmented by the increasing prosperity of the Edinburgh university, and by an inundation of physicians from Leyden, they compromised with the English universities, with which they had previously been at war for the maintenance of their usurpations, by the famous by-law of 1752, by which the fellowship of the College (itself an usurpation under the charter of Car. 2. unconfirmed by parliament) was reserved exclusively for the graduates of these universities. And upon losing the power of prosecuting surgeons and apothecaries, and even empirics, they may be said to have made common cause,

at least with the two former, against those members of the faculty (physicians) who were not of their own body. They have, however, of late years, cautiously and wisely, abstained from prosecutions, or measures that could agitate and bring into question their claims: for in their legal broils with the licentiates, which have here been glanced at, they were by no means the assailants. Neither the College of Physicians in London or Dublin have for a long time deemed it prudent to attempt to enforce their presumed authority to fine those physicians who practise medicine in these capitals unsanctioned by their license; the members of the latter, we are told, have, on the contrary, been in the “daily habits of consulting with these *outlaws*, provided those conscientious sticklers for collegiate regulations are called in over the extra-collegiate attendant.”\* By such undue means these bodies have contrived to retain their usurped privileges; and in return for their connivances with the chartered bodies of surgeons and apothecaries, they have secured the preference in being called to their consultations. The duties of administering to the whims of the

\* Observations on Medical Reform, &c. Dublin, 1807, p. 33.

higher, and of sanctioning the deaths of the lower orders, are sufficient profitably to employ their time: and they are not, from their number, more than adequate to the performance of these duties.

By these details it has been rendered manifest that, whether the College of Physicians and the surgeons and apothecaries have been at variance, or in accord; or whether the surgeons and apothecaries, as formerly, have been in subordination to the College, or the College, as latterly, in subordination to the surgeons and apothecaries,—the interests of the public have been invariably sacrificed. Whilst they were all professedly labouring emulously for the good of the community, it somehow or other happened, that the good of the community was never attained. Whichever of these branches has had the ascendancy for the time, it has, as we have seen, invariably sought its particular aggrandisement, undeviatingly pursued its private views of unenlightened selfishness, whilst, with all of them, “to protect the public health against uneducated and ignorant pretenders” has been the uniform pretext of even the most reprehensible measures—“*Cantilenam eandem canunt.*”

Within the last half century, in defiance of the monopolies of the Colleges of Physicians

and Surgeons, and of the Society of Apothecaries, or rather in consequence of them, the exigencies of the public have called into existence a new and most useful branch, known by the name of retail or dispensing chemists and druggists. Their number in the metropolis is sufficient, in the usual ratio of the apothecaries or *pharmaciens* of other countries to the population, to supply all the inhabitants with medicines; and, in the existing circumstances of the medical profession, they form the best counterpoise we possess to the increasing and formal encroachments of the apothecaries under their new designation, upon the provinces of all the other branches. They do not, as a distinct class, enjoy, we believe, any legal or formal existence; but it does not appear that they are, from the want of regulations, the less efficient for the performance of their functions; and we should regret to see them, either in consequence of undue restrictions, or by being invested with undue power, rendered, like the other branches, less useful than they are otherwise capable of being to the state. Wishing that they may be cherished as they deserve, we would, as friends, warn them seasonably and entirely to renounce the error of going beyond their province, by *prescribing*, as well as compounding, medicines, into which some

of their body are accused of having indiscreetly and from avarice fallen, like the branch which, owing to a similar error, they have, by the public preference, been enabled to supplant. In 1812, in consequence of the rapid strides to public favour and employment made by the chemists and druggists, the apothecaries, justly alarmed for their original occupations, took the field, first under the entirely new denomination of “ *prescribing-apothecaries, surgeon-apothecaries, and general practitioners,*”\* and afterwards continued the war under the somewhat less ostentatious name of “ the associated apothecaries and surgeon-apothecaries of England and Wales.”† The same description of persons, as we have already shewn, had long had a real, although not a legal and formal existence in this country alone of all civilised nations. In consequence of the constitution and proceedings of the other branches, they were enabled, as has been already stated, to

\* An Inquiry into the Present State of the Medical Profession in England, &c., by R. M. Kerrison, Member of the Royal College of Surgeons. 1814. This work appears to be the organ of the apothecaries, and is mainly employed in decrying the dispensing or retail chemist and druggist.

† Transactions of the Associated Apothecaries and Surgeon-Apothecaries of England and Wales, vol. i. 1823. Introductory Essay.



unite in their own persons the functions of physician, surgeon, apothecary, and accoucheur. Finding, however, that in the function of the physician (from whom alone they had nothing to fear) they were likely to be supplanted by the surgeon; in that of the *dispensing* apothecary, by the chemist and druggist; and in that of the accoucheur, by the particular cultivator of that department; they bethought them of a grand manœuvre, by which they hoped not only to regain their lost ground, but even to obtain possession of a great portion of the domains of all the other branches. Like the governing bodies of the incorporated branches, the wish nearest to their heart being to provide that no detriment should befall the public health, from the admission of *improper* persons into any of those branches, and convinced that the most certain, as well as the most pleasant, not to say the most lucrative, mode of effecting that desirable object, was by securing the whole care and management of it to *themselves*, they conceived the magnificent “idea of uniting the different HEADS of the already constituted medical bodies with apothecaries and surgeon-apothecaries in one grand SUPERINTENDING BODY.” The president and censors of the Royal College of Physicians, the master and governors of the Royal College of Surgeons,

the master and wardens of the Worshipful Society of Apothecaries, for the time being, and a certain number of the senior apothecaries, or surgeon-apothecaries, or men-midwives, practising in London, or seven miles round, were to be "constituted a committee *for ever*, to superintend the provisions" of an act which they proposed to obtain from the legislature: and this act Messrs. Wilberforce, Calcraft, Whitbread, and Rose, were prevailed upon to introduce into the House of Commons. The different "heads" of the already constituted medical bodies were to be permanent members of the superintending committee. (See Trans. Introd. Essay, p. xiii.—xxxv.) But, notwithstanding this strong inducement, the "heads" of the other "bodies," no doubt with an equal regard to the public health, but a somewhat different view of the means of preserving it, manifested insuperable objections to this project. The College of Physicians were of opinion the bill "should be opposed;" the College of Surgeons "did not intend to interfere with the subject;" and the Society of Apothecaries, *having waited to know the determination of the College of Physicians*, could not, "as a body, concur in the intended application to parliament." (Intr. Ess. p. xxxvii.) The projectors, however, since they were unable to effect the

amalgamation of the other branches with their own, endeavoured, like discreet men, to mollify their opposition, and with that view agreed to expunge from their bill every thing affecting the compounding chemist and druggist; to abandon the idea of erecting a medical school; professing that, instead of interfering with the *rights* of the Royal College of Surgeons, they wished to make it *imperative* on every surgeon-apothecary to have (the honour and the pleasure of being taxed in the price of) a diploma from that body; to relinquish also the sublime idea of the union of so many heads in the same body; and professing that the views of their bill should “be altogether confined to *rendering* the apothecary and surgeon-apothecary *competent (general) practitioners, by* (paying fees for) *examinations*, and obtaining for them *a different mode of recompense for their visits and professional skill.*” (Intr. Ess. p. xxxvi.) These modes of producing competency, and converting apothecaries into physicians, are admirable! *Female midwives* (art. 40, p. xxxv.) were also to be subjected to examinations and *the payment of fees.* But “*the committee of the House of Commons would not allow any mention of female midwives.*” (P. lx.) Notwithstanding the large deductions thus made from their original pretensions, the associated apothecaries, “so power-

ful was the opposition made to it from several quarters," were obliged to withdraw their bill: still, however, they did not despair. "The Colleges (of Physicians and Surgeons) and Apothecaries' Company, were now memorialized with the hope of averting their continued opposition; but in vain." (P. xl.) Discussions, conferences, and compromises ensued, each party manfully defending the public weal from the encroachments meditated by the others. The physicians, surgeons, apothecaries, and chemists and druggists, were all on the alert. The public alone, whose interests were the most deeply affected, took no concern in the matter. At length, in January 1814, "the College of Physicians," we are told, "agreed to join the Association in forming another bill on the newly proposed basis; one of the chief provisos of which was, that *the Society of Apothecaries should constitute the examining body*. Much correspondence ensued with the Society of Apothecaries; and it was ultimately agreed that the latter should introduce the new bill into parliament." (P. xli.) The result of these negotiations, arrangements, and connivances, was that exquisite piece of legislation, 55th Geo. III. c. 194, passed on the 10th of January, 1815, called an act "for better regulating the practice of apothecaries throughout England and Wales,"

or shortly, “ the Apothecaries’ Act,” (p. xliv.) “ shorn,” as the Association complain, “ of its fair proportions.” (P. lviii.) This crude piece of legislation it was endeavoured to amend and to explain by an act of 1825, 6th Geo. IV. c. 133. And against this act, so amended and explained, the “ general practitioners,” or “ associated apothecaries and surgeon-apothecaries of England and Wales,” did, at the Crown and Anchor Tavern, on the 25th of Feb., and 4th of March, 1826, pass the following resolutions, Mr. Hayes being in the chair :

“ 1. That the apothecary, or rather the surgeon-apothecary, is the sole medical attendant of a very large majority of the population of England and Wales, and the public welfare therefore requires that he should have had an adequate professional education ;—that the principal object of the legislature in passing the act of the 55th of Geo. III. (commonly termed ‘ *the Apothecaries’ Act*,’) was to prevent any person from practising medicine in England or Wales, who had not received a sufficient medical education, and given proof of his competency by strict examination ; that this object has *not* been attained by the provisions of the act, but, on the contrary, that great numbers of uneducated and unexamined persons are still practising, to the great injury of the public ;—that the course of study laid down by the Court of Examiners of the Society of Apothecaries for candidates for their licenses, is insufficient to qualify the individuals for the several duties of the medical profession ; and thus, when good sense, and conscientious feeling, on the part of the candidates, do not

lead them to pursue a more extended and complete course of study, by the operation of this act, the impress of legality and efficiency will be stamped by authority upon the imperfectly educated and incompetent practitioner.

“ 2. That the defective course of education prescribed by the regulations of the Court of Examiners, is not only calculated to produce mischief to society by means of the inefficiency of those candidates, who limit themselves to that plan of study, and are subsequently licensed; but, that it has led to an incorrect opinion, on the part of persons unacquainted with the medical schools of London, of the talent and acquirements of the whole body of English general practitioners, and has exposed them to very unmerited and injurious aspersions, as evinced by a statement, entitled, ‘ A Case for the Royal College of Surgeons of Edinburgh, in relation to the Act of 55th Geo. III., commonly called the Apothecaries’ Act,’ lately printed and circulated among the members of the legislature, by that corporate body; which statement also contains assertions directly at variance with their own regulations, formerly published in the Edinburgh Medical and Physical Journal. .

“ 3. That the third clause of the Apothecaries’ Act of 1815, subjecting the shops of apothecaries throughout England and Wales to search, by persons deputed by the Society of Apothecaries; which society, being a company dealing in the articles to be examined, cannot be wholly disinterested, is degrading to the character of the apothecary, and without any corresponding benefit or protection to the public; since, in the metropolis at least, chemists and druggists are extensively employed in compounding and dispensing medicines, and their shops are exempt from any such interference.

“ 4. That the fifth clause of the Apothecaries’ Act, which makes it compulsory on the apothecary to, ‘ mix, compound, prepare, apply, administer,’ and even to *give* any medicines, compound medicines, or medicinale compounds, agreeably to an order, receipt, or prescription, signed with the initials of a

fellow or licentiate of the Royal College of Physicians, under very severe penalties; and on the third offence, even interdicts him thenceforward from the exercise of his profession,—is highly objectionable, and derogatory to the practitioner. The apothecary, it is obvious, might thereby be subjected to annoyance and injury, and even to possible ruin, if he happened to be an individual obnoxious to the person armed with this arbitrary and unconstitutional power. It visits, with equal severity, a mistake which may be made by an assistant, though he comes into the service of his employer accredited by the certificate of the Apothecaries' Society, however slight and unimportant such mistakes may be, as it does wilful or corrupt negligence, or fraudulent sophistication; a practice which every conscientious man holds in deep abhorrence, which deserves marked reprobation, the infliction of a heavy penalty, and even, in some possible cases, punishment still more severe.

“ This clause is, in no degree, essential to the public welfare, and has accordingly met with the decided reprehension of every practitioner who duly respects himself or his profession, or even the estimation which he is entitled to hold in society.

“ 5. That the inefficiency of the Act aforesaid, clearly appears in the conduct of chemists and druggists, who are continually, themselves, or by assistants, administering medicines to the sick, and usurping the office of the qualified practitioner, in defiance of the fourteenth clause of the Apothecaries' Act; since it never could have been the intention of the legislature, that persons, without having afforded any proof whatever of professional ability, should be allowed to practise the healing art.

“ 6. That the practice of midwifery is, at present, without control. There is no recognised authority before which persons about to enter on the exercise of that important branch of surgery, are required to undergo an examination as to their professional acquirements and competency; yet the

interests of humanity loudly demand, that an art, which involves the safety of women and children, at present too frequently the victims of barbarous ignorance, should be practised only by well-educated and scientific persons.

“ 7. That a petition, founded on the foregoing resolutions, be presented to the Commons House of Parliament, praying that a committee of that house be appointed to inquire into the existing state of medicine and surgery, so far as regards the general practitioner, and to recommend to the legislature the enactment of a law, calculated to remedy the evils complained of.”

Against the regulations made by the governing body of the College of Surgeons, with a view to perfect *their* monopoly, which we have published at pages 238, 9, and other parts of their conduct, the following resolutions were passed, at the Freemasons' Tavern, on the 18th of February, 1826, by the members of the College at large, consisting of 1000 or 1200 persons, Mr. Lawrence being in the chair :

“ 1. That the public, and the members of the surgical profession, may justly complain that the science of surgery has not been advanced, nor its practitioners benefited, either by the late corporation, or the present Royal College of Surgeons in London.\*

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\* The surgeons, who had been united with the barbers by the act of the 32d of Henry VIII. (1540), were separated from them by the 18th of Geo. II. (1745). They subsisted as a corporation until 1796, when, by a lapse of orders, and a breach of conduct, they lost their corporate capacity. Their



"2. That the president, vice-presidents, and court of examiners, having been in the habit of sharing amongst themselves a considerable portion of the admission fees paid by the new members, and consequently having a direct pecuniary interest in increasing the number of such admissions, have been so unmindful of their important public duty, that of preventing the entrance of improper persons into the profession, that they have affected to go through the forms of examination, in a single evening with so great a number of candidates, as to render such examination perfectly ridiculous as a test of qualification; and that many persons who have been admitted by the court of examiners, and whose names are still found in the annual list of the College, are *regular advertising quacks, and venders of secret remedies*.

"3. That the regulations first promulgated and acted upon in 1823, prescribing the course of study required for candidates for the diploma, contain provisions of the most oppressive character, injurious to the rights and property of individuals, calculated to increase the expense and difficulty of acquiring surgical knowledge, and *to serve the private interests of the ten examiners by whom these regulations were made*.\*

"4. That by the refusal of the College to receive certificates of attendance on anatomical and surgical lectures and dissections, except from surgeons and physicians to London

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governing body afterwards instituted proceedings, and brought a bill into parliament, which passed the House of Commons, but was rejected in the House of Lords, having been forcibly opposed by Lord Thurlow and the Duke of Bedford, and by many members of the corporation. It was in 1800, we believe, that a charter was granted to them by his late majesty, King George the Third, under the title of "The Royal College of Surgeons."

\* For the regulations, see pp. 238, 9.

hospitals, or from others who are vaguely and unintelligibly described 'as persons teaching in a school acknowledged by the medical establishments of one of the recognised hospitals, or from the appointed professors of anatomy and surgery in the universities of Dublin, Edinburgh, Glasgow, and Aberdeen,' the honourable and lucrative employment of teaching anatomy and surgery is confined to a few individuals, who are eligible only by an accidental distinction, acquired by means often independent of personal merit; all other surgeons, however great their abilities and acquirements, are excluded; talent and industry are deprived of their just reward, and emulation and competition, the surest sources of excellence, are extinguished. Of the *ten* examiners whose names are signed to this attempt at erecting the teaching of anatomy and surgery into a monopoly for the benefit of a few individuals, *eight were at that time London hospital surgeons.\**

"5. That by the regulation which declares that the College will not receive a certificate of attendance upon an hospital not situate in London, Dublin, Edinburgh, Glasgow, or Aberdeen, a stigma altogether unmerited is cast upon the surgeons of the various provincial hospitals, who are in no respect inferior to their brethren in the schools above enumerated, and on those of similar establishments in all other parts of Europe.

"6. That the valuable museum of the late Mr. Hunter, liberally purchased at the public expense by a government anxious to promote the cultivation of useful knowledge, and presented to the College for the express purpose of assisting the progress of anatomy and surgery, has been so managed as

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\* Names of the gentlemen who enacted this law:—Sir Astley Cooper, Mr. Abernethy, Mr. Cline, Mr. Lynn, Sir Ludford Harvey, Mr. Foster, Sir David Dundas, Sir Everard Home, Mr. Norris, Sir William Blizard.

to be of little or no public utility ; no catalogue of its contents has been printed or even prepared, although the museum was purchased in the year 1799, and was removed to the College in 1806 ; it is inaccessible to the members during eight months in the year, and for the remaining four months it is open only twice a week, and for four hours on each day. The College library also, consisting of books partly purchased out of the College fund, and partly presented by individuals, has always been, and still continues, entirely inaccessible to the members ; there is no catalogue and no librarian.

“ 7. That the members in general may justly complain, that on every occasion of a public lecture, delivered in the theatre of the College, they are compelled to enter at a separate and inconvenient door at the back of the building ; whilst for the council and their personal friends is reserved the entrance by the portico in Lincoln’s-Inn-Fields, with many other accommodations and conveniences.

“ 8. That the charter of the College, by conferring on the council and court of examiners the unqualified and unconstitutional privilege of electing those who are to be their colleagues in office, has been the sole cause of the injuries and grievances detailed in the foregoing resolutions. With a view of effectually preventing a recurrence of those numerous evils, and of rendering the Royal College of Surgeons in London a benefit to the public, and an honourable distinction to all its members,—We further resolve, That a petition, founded on the adopted resolutions, be immediately prepared and presented to the House of Commons, praying for the appointment of a committee to inquire into the abuses of the said College, with a view of ultimately obtaining from his Majesty a new charter, which shall provide that the officers of the College be annually chosen by the members, so that EACH MEMBER may have a voice in the election of those persons who are to regulate the proceedings of that College, in the prosperity of which he must feel a personal as well as a national interest.”

These proceedings afford evident indication that the legislature will shortly be besieged with petitions from the several branches of the medical profession,\* each seeking their particular objects, without probably taking into due consideration either their bearings upon the provinces of the other branches, or upon the interests of the community at large. From the view which we have here presented of the whole subject, it manifestly results that no new law should be enacted for the regulation of any branch of that profession, but after the most mature inquiry, conducted upon the broadest basis, into the state of all its branches, and into the nature of the principles by which such laws ought to be guided, in accordance with the intelligence of the age. In granting charters or exclusive privileges to bodies connected with professions, science, or literature, independently of their mischievous consequences, there is something uncommonly contradictory and absurd. But the power of making by-laws, placed in the hands of such bodies, is a source of public injury beyond all others. We have seen, in the case of the College of Physicians, that such statutes are uniformly, and in the highest degree, selfish and vicious, always involving direct violations of the rules of reason and of the laws of the land. In Edinburgh,

the magistrates, we are informed, claim the right of framing the by-laws by which the university is regulated, and this may certainly be a diminution of the evil, although not an adequate remedy.

The series of facts which have been exhibited in this work, and the inferences which have been deduced from them, will probably be admitted to be, upon the whole, neither destitute of novelty nor of interest. But the recommendations founded upon them, although undoubtedly new in the affairs of medicine in this country, involve only the application, in that particular department, of those unquestionable principles, which, in theory, have long been generally inculcated by philosophers, and in practice, in other departments, have now received the high sanction of the legislative and executive powers of the state. In making laws for regulating the different branches of the medical profession, the fundamental principle, to which we would most earnestly recommend an undeviating adherence, is the negative one of carefully abstaining from all restrictions which might, in the smallest degree, interfere with or obstruct emulation, competition, or the free adaptation of the supply to the demand. The augmentation and diffusion of science and of skill are, we think, best consulted, not by arti-

ficially forcing their growth, but by removing impediments to their natural progress.

#### REMEDY OF THE EVILS DEPICTED

It is curious that, whilst some of those numerous medical disputants, of whose works we have given a list, have thought that the remedy for the evils which we have detailed would be found in the reduction and regulation of the physicians' fees, as the writer of Mr. Goodwin's case, (p. 5); and others, as Dr. Merrett, fellow of the college, that it would be found in physicians dispensing their own medicines,—not one should have hit upon the proper and undoubted cure, the abolition of the monopoly and usurpation of the College of Physicians in London: that being, as has been shewn, the sole cause of the evils which we have depicted, it follows that its removal is the sole remedy. The département of the physician being thus emancipated, that, as well as the other branches of the profession, would, by a certain gradation, spontaneously return to their due proportions, with respect to each other, and to society; physicians' and surgeons' fees, and the expense of medicines, would find their proper level; and quackery, without the interposition of artificial restrictions, would very much diminish, or wholly disappear. The pre-

sent deficiency in the number of physicians would be speedily supplied by well-qualified persons from the ranks of the superfluous surgeons and apothecaries, who now, in consequence of the artificial and forced state in which the different branches of the profession are maintained by collegiate monopolies, unite the practise of physic to their proper branches; and those who would remain attached to those branches would of course adhere exclusively to the functions which more strictly belong to them. The College of Physicians being deprived of their monopoly, and the other branches of the profession being also deprived of all undue restrictive powers which have been conferred upon them, or which they have usurped, all the consequent or concomitant evils would, upon the principle of "*causa dempta tollitur effectus*," speedily vanish.

Under an unrestrained competition, in all the branches of the medical profession, the convenience of a due subdivision of labour would, in the more complicated states of society, preserve them sufficiently distinct from each other. Each would watch over its proper interests; and public opinion would prevent any material or permanent mutual encroachments. But in the more simple states of communities, or in thinly scattered populations,

the perfect observance of these distinctions would neither be always practicable nor beneficial. In such situations, the physician must be permitted to carry about medicines to distant parts, and to practice small parcels of surgery; the surgeon to carry about his applications, and to practice small parcels of medicine; and the apothecary must be connived at occasionally in encroaching upon the provinces of both. The inconveniences that would thus, in certain situations, inevitably arise from the occasional clashing of the interests of the different branches, would, however, be very trivial; whilst the sum of general good that would infallibly result from their complete emancipation from the trammels of incorporation restrictions, and unwholesome by-laws, would be incalculable.

In no other manner can the evils which we have described be removed, than by depriving the College of the usurped power of limiting the number of physicians; of examining members of the faculty; of making an order of fellows, and an order of licentiates; of exacting unreasonable fees of admission; and of prosecuting for the practice of physic: at the same time divesting all other corporations connected with the medical profession of undue powers. For reasons which we have repeat-



edly advanced, not one of these powers can, without public detriment, be vested in these bodies. To prohibit improper persons from practice, if any prohibitions independent of the public ought to exist, should lie with the civil magistracy. Private colleges are not intended for instruction or examination, but for supervision; and they ought not to depend for their funds upon fees of admission, or upon prosecutions. If it be at all necessary that such bodies should exist, which however we much doubt, the funds necessary to their maintenance ought to be provided by the state. The duties to which they ought to be restricted are those of verifying and registering the titles of persons claiming to practice physic within their jurisdiction, and of admitting them as a matter of course, as is the case, for instance, of the College of Physicians at the Hague. “Those that propose to practice at the Hague, are friendly to be invited; such as are willing, having shewn to the rulers their diploma, or letters patent, containing the lawful promotion to the degree of doctor, and promised under their signature to observe the existing laws, or those that may hereafter be made, shall, with the approbation of the civil magistrate, be admitted; those that refuse shall be excluded.”\* In like manner

\* Medical Observer.

the graduates of all foreign universities are admitted to practice on the Continent of Europe generally, and in the cities of America, upon merely presenting or verifying\* their diplomas. Thus, in all nations, civilised or barbarous, Great Britain alone excepted, every member of the community is enabled to make a free choice of his physician, without distinction of university or country.

Such was in fact the extent originally of the powers of the London College. Members of the faculty were entitled to admission as of right (*ex debito*). Others, who were found fit upon examination, were called *practicantes*, or *exercentes medicinam*; and when found unfit, were prohibited from practice. This power of examining persons not of the faculty, not doctors of medicine, no doubt resulted from the number of graduates being at that time, in consequence of the state of education, too limited for the demand, and the necessity of admitting persons of inferior qualifications to practice; and a false interpretation of this power, by the College in their own favour, led, in time, to the usurpation of that of examining the graduates of universities. How improperly it was placed in the hands of a body having an interest in abusing it, whether by limiting the number of admissions, or by admitting incom-

petent and rejecting competent persons, the event has fully shewn. It is therefore clear, that such bodies should be either wholly abolished, or brought back to their original principles. Why should not the titles of the graduates of universities (the universities themselves being properly regulated) be verified by the municipal authorities? We want no improper innovation in this matter, but to abrogate improper innovation. We only want what exists in all civilised countries except our own—an unrestrained competition of the different branches of the medical profession; that they should all be free to accommodate themselves to the public demand for their services; and that consequently no one branch should be permitted to limit their own number, or to restrict any of the other branches. Of matters in which the public are a party so deeply concerned, it is of course for the legislature to regulate the details. But we may be permitted to observe, that the College of Physicians having not only entirely failed to answer their intended purpose, the suppression of quackery, but even mainly contributed to its extension, they must be deemed to have legally forfeited their charter; and that its revocation, if their constitution should prove incapable of being so modified, or brought back to first principles

as to correspond with the interests of society and the intelligence of the age, could not be justly construed into the breach of any public engagement;\* or rather, as we shall presently distinctly shew, that they are mere usurpers, who derive their assumed privileges from no other authority than their own, and who ought to be superseded by the graduates of universities, *homines facultatis*, the only true physicians according to law.

Much perplexity has been occasioned by the title of "College," which has been given to this incorporation. To an academical ear, the word "College" conveys the idea of an institution similar to those which are found at Oxford or Cambridge. Yet, in this case, it has not the least analogy with the university

\* If we are to credit Dr. Goodall, the College historian, the prosecution, fine, and imprisonment of unlicensed practisers, to whom their monopoly had given existence, are tantamount to the suppression of quackery: "Now, much honoured colleagues," says this writer in his epistle dedicatory to the President and College, "how far you have answered the great and noble ends of these princely favours and royal grants, will fully appear in this book; I mean *as to the primary cause of your incorporation, viz. the restraining and suppressing illiterate, unexperienced, and unlicensed practisers.*" We have here, on the contrary, demonstratively shewn that the measures of this body had rendered nine-tenths of the practice of physic in England contraband, and were the main cause of the flourishing state of empiricism.

colleges. These institutions are variously endowed and regulated, according to the will of their respective founders. There is in the city of London a Gresham College, with an establishment of seven professors to read lectures in different sciences. On Blackheath there is a Morden College, for decayed Turkey merchants. How often are the hospitals at Greenwich for invalid seamen, and at Chelsea for invalid soldiers, called colleges! The term is indeed of so various and indeterminate an acceptation, that it would be impossible from thence to form an idea of the nature of the institution to which it is given as a name; and in the case of the College of Physicians in London, it has not the least resemblance to any other: it is an establishment absolutely *sui generis*.

In proposing those extensive changes in the organisation of the different branches of the medical profession, but more especially in the department of the physician, which, we think, are indispensable to procure for the public an adequate supply, at a reasonable expense, of the best medical assistance, — we can have no wish that a single person, who is now occupied in, or derives his subsistence from, the exercise of any branch of that profession, should be disturbed without an equivalent. To conduct

such changes so as to occasion loss to individuals, besides being unjust and injurious, would be wholly unnecessary, and useless to the community. Upon every innovation, by which the public are to benefit, it is, we believe, an admitted principle, or we think it ought to be so, that those should be adequately indemnified who are sufferers by the change. From the abolition of the monopoly of the College of Physicians, the community would, as we have shewn, derive immense benefit. It would even be a cheap purchase at the expense of an annuity for life to every existing fellow of the College, if that sacrifice were required. This, however, would be too much for the mere surrender of privileges to which no right had ever existed, but which have been shewn to be the fruit of deliberate and successive usurpations. But, it may be conceded, in order to induce that body to make the sacrifice with good humour, that each fellow of the College, who, in virtue of his fellowship, is actually in possession of any place or office of emolument for life, may be allowed, upon the abolition of the monopoly, to retain the income of that place or office, the same as if it continued to exist; and that any deficiency of income, in consequence of the change, may be made good out of the public purse. In such a case, the

members of the College would have great reason to be thankful, that, as a consequence of the changes required by the interests of the public, and enjoined by the intelligence of the age, it has not been thought necessary also to deprive them of their usurped emoluments.

#### OF MEDICAL EDUCATION.

It is proper that we should now examine what alterations are necessary in the system of medical instruction which prevails in this country, in order to give it the highest practicable degree of efficiency. The universities or colleges which have schools of medicine attached to them, although essentially different in their nature from those *private* colleges or incorporations, on whose proceedings we have been commenting, are still, in various degrees, in need of an improved organisation in regard to medical instruction, with which alone we have here any concern. The abolition, or an adequate alteration in the frame of all the *private* colleges or incorporations, in the different branches of the medical profession, is pre-supposed; without which, the wisest changes in the establishments of the universities would be inefficient. To equalise their rights, powers, and privileges, and to ordain in each a given and complete course of medical instruction,

could be attended but with little difficulty, without even the necessity, in most of them, of any very extensive alteration, or only of such alteration as could not fail to be generally acceptable in the increase of their previous establishments. In England, the universities of Oxford and Cambridge would admit of being easily brought to the contemplated point of perfection : in Ireland, in the university of Dublin, very little would remain to be done : in Scotland, the universities of Edinburgh and Glasgow would require no additions of essential importance ; and those of Aberdeen and St. Andrews, by the abolition of the practice of giving degrees without examination (but we believe it has already been abolished), and by a due increase of their establishments—uniting perhaps the two colleges of Aberdeen, might be rendered useful and efficient. At first sight, this number of universities for Scotland might appear to be disproportionate ; but, if they were not disproportionate a century ago, they cannot be so now. In respect to medicine especially, whether we consider the great number of the natives of Scotland who cultivate that department of science, or the influx of students from England and Ireland, as well as from our colonies and foreign countries, resorting to the Scotch universities, or the cheapness of education which so strongly re-



commends them, we do not think it would be either judicious or just to suppress any of them. Whatever multiplies expense to the young physician; whether for education, examination, or admission to practice, has a direct tendency to limit the number of the cultivators of that branch; to augment, in the same ratio, the discordance and disproportion of the other branches of the profession; to increase empiricism, and to prolong monopoly.

Each of the universities we have mentioned, then, should, in order to be complete as a medical school, possess professorships of anatomy and surgery; of the institutes or theory of medicine, comprising physiology, pathology, and therapeutics; of botany; of chemistry; of materia medica and pharmacy; and of the practice of physic. These are essential. But others would be also useful; as professorships of midwifery, of medical jurisprudence, &c. The lectures on clinical medicine, perhaps the most essential of all, should be left to the physician attending the hospital for the time being; each school of medicine being supposed to be provided with a clinical hospital, a botanic garden, and a chemical laboratory.

The outlines of the course of education, which ought to be the same in all, should be regulated by the legislature. That which at present exists in Edinburgh seems to approach

the most nearly to perfection in this country. The candidate for a degree is required to have attended a full course in some university of each of those professors whose lectures are deemed essential; to undergo *five* examinations as to his progress in medical knowledge; to publish and publicly defend an inaugural dissertation in Latin, on some subject connected with medicine, and to produce four other exercises, written in the same language, propounded by the *Senatus Academicus*. The period of study required is four years, which we are of opinion is sufficient, the previous education being presumed adequate; the more especially as the regular attendance of the student is insured by his being obliged to enter his name, once a month, in books kept for that purpose.

It is fitting that an equality and reciprocity of rights and privileges should be established in all the universities. A course of study of the proper kind, for instance, at any one university, should entitle the student, upon his undergoing the necessary examination, to receive his degree at any other. It would be liberal in principle, and could not in practice materially interfere with professional interests at home, to extend this reciprocity of privileges to foreign universities.

With a view to an unequivocal test of competency, the best mode of examination would

indisputably be that in which rivalry, local prejudices, and attachment to particular dogmas, could not concur to occasion the rejection of fit persons; or local prepossessions, and a regard to fees, to occasion the admission of unfit persons: consequently the power of examination should never be granted to private colleges or incorporations, but should be vested exclusively in the universities; and they should be conducted by the professors in public, who besides should be required to abstain from the consideration of hypotheses or dogmata, and to abide by matters of fact. In respect to the physician, it might be a fit subject of consideration, whether examinations carried on in the mother-tongue would not be more unequivocal tests of competency than when conducted in a dead language, as is still the practice of some universities; as well as what degree of literary acquirements should be deemed indispensable to the student before his entrance upon the study of the medical profession.

After all, if we had not, from habit, been accustomed to regard examinations as indispensable tests of medical fitness, we might, upon grounds by no means irrational, be induced to doubt their propriety. In the case of candidates for admission to the bar, it is deemed sufficient evidence of competency, that

they should give proofs of having attended, for an adequate period, all the usual sources of instruction. In other departments, persons are deemed to be competent to the exercise of their calling from having merely served an apprenticeship. A baker, a cook, a butcher, a carpenter, a shoemaker, a tailor, are never examined as to their fitness; and it does not appear that any detriment has arisen from such a course. Of these matters the public are always the ultimate judges. Even in literature and in science, they will not take their opinions of persons or of works from professors or reviewers. Men's relative fitness for war, for navigation, or for commerce, may turn out to be very different from what the aptness of their answers under an examination might indicate, even if examinations were always fairly and efficiently conducted. Statesmen and legislators are not required either to undergo an examination, or to serve an apprenticeship; and yet the public probably form as good an estimate of their qualifications, as if they had received the stamp of a college. If we consider how very few, out of the great number of candidates for academical titles in the different branches of the medical profession are annually rejected, we shall not find that any very great amount of ignorance or stupidity is prevented from going into circulation, even supposing the

rejection always to fall upon the proper persons. And if we consider, on the other hand, how frequently medical examinations in particular may be and are, in effect, made either sources of revenue, or means of exclusion, an engine for the support of error, or the suppression of truth, or hinderance of free inquiry, we shall scarcely deem it, as a test of fitness, of that importance which, in the medical world itself, is so generally attributed to it. On this subject we would refer to opinions delivered by several members of parliament, when a bill was presented to the House of Commons by the surgeons in 1818.\* We believe that the chemists and druggists in this town undergo less examination, if any, and are under fewer restrictions in respect to apprenticeships, than any other branches connected with the medical profession; yet it does not by any means appear that their department is less ably managed than any of those others. Without permitting ourselves, however, to dogmatise on a subject that has not perhaps been yet sufficiently considered, we feel perfectly certain that, if examinations be upon the whole useful, they cannot be so without being conducted by a tribunal which has no distinct interest at variance with the justice of the

\* See pp. 232—8.

case; as well as that this can never happen under a constitution partaking of the nature of a monopoly.

“ In Paris,” Mr. Bennett says, “ we at present find the following Faculties, who have entrusted to them the business of education in their respective departments, viz. : —

The Faculty of Theology,

The Faculty of Law,

The Faculty of Medicine,

The Faculty of Mathematical and Physical Sciences,

The Faculty of Letters.

“ There are similar bodies on the same plan, and for the same purposes, in other great cities of France.

“ Now the re-union of *all* the Faculties of any particular city, Paris for example, constitutes the Academy of that city; and the re-union of all the Academies of France, constitutes the *University of France*.

“ The great officers of the University are — a grand master, a chancellor, a treasurer, and a council; they reside in Paris, and their jurisdiction extends over all the academies in France; the accounts, expenditures, &c., are regulated by them, and they constitute a Court of Appeal.

“ Each Faculty confers the degree of doctor at the expiration of four years' study, after

several public examinations; but the Faculty of Sciences, and that of Letters, confer in addition the subordinate degrees of bachelor in sciences, and bachelor in letters. To obtain these latter, a student has but to present himself for examination.

“ For the *bachelorship* in letters, he is examined in the classics, history, geography, and rhetoric; for the *bachelorship* in sciences, he is examined in the elements of mathematics, physics, natural history, chemistry, botany, &c.

“ Before a student is admitted to become a pupil at *any of the Faculties*, with the view of subsequently taking a degree, he must first possess the degrees of bachelor in sciences and bachelor in letters, whereby a good primary education is insured on his part.

“ We proceed to detail the system of education prescribed at the Faculty of Medicine: —

“ On presenting the degrees of bachelor in sciences and bachelor in letters, a student is admitted as pupil at the Faculty of Medicine, and thereon receives a ticket of admission, gratis, to all the courses of lectures delivered there.

“ In order to secure his presence, the student is obliged to register himself (take an *inscription*) four times a year; for which purpose books are kept open by the secretary of

the Faculty during fifteen days at the commencement of each quarter. The fact of his having inscribed himself sixteen times (which cannot be done in less than four years), entitles him ultimately to examination for a degree.

“ A student is at liberty to attend any courses, public or private, he may deem useful ; but there are certain courses in each year which it is indispensable he should follow at the Faculty, and his presence is insured by rolls being occasionally called over, and absence punished by forfeiture of inscriptions.

“ The following is the order prescribed for attendance on the lectures delivered at the Faculty of Medicine : —

#### “ ATTENDANCE ON LECTURES.

Inscriptions.	Winter Course.	Summer Course.
First Year, 1, 2, 3, 4.	Anatomy. Physiology. Chemistry.	Physics. Surgical Pathology. Botany.
Second Year, 5, 6, 7, 8.	Anatomy. Physiology. Operative Surgery.	Hygiène. Pharmacy. Surgical Pathology. Surgical Clinical Lectures.
Third Year, 9, 10, 11, 12.	Operative Surgery. Surgical Clinical Lectures.	Medical Pathology. Materia Medica. Medical Clinical Lectures.
Fourth Year, 13, 14, 15, 16.	Medical Clinical Lectures. History of Medicine.	Medical Pathology. Legal Medicine. Medical and Surgical Clinical Lectures. Accouchemens.



“ Having completed his sixteen inscriptions, a student can demand to be examined for the degree.

“ There are five public examinations which he must undergo, and finally defend a thesis.

“ The examinations are conducted in the following manner, there being usually five candidates, and three examiners. The morning of the day on which the first examination is to take place, a subject is placed at the disposal of the candidates, and each is called upon to dissect some part. Subsequently they meet in the public theatre, to which all persons are admitted, and are examined, during two hours,—

On Anatomy and Physiology ;

The second examination on some future day,

On Pathology and Nosology ;

The third,

On Chemistry, Botany, and Pharmacy ;

The fourth,

On Hygiène and Legal Medicine ;

The fifth,

On the Practice of Medicine or Surgery, according as the candidate aspires to the degree of doctor in medicine, or doctor in surgery ; this is of little consequence, as either degree warrants a man practising either or both branches :

Finally, the candidate must defend, before five examiners, a thesis written in the French or Latin language.

“ On no two occasions has the candidate the same examiner; so that altogether he has to undergo the ordeal of no less than twenty different examiners.

“ It now remains to enumerate the cost of inscriptions, examinations, thesis, &c.; in fact, every expense attending the education of a doctor in medicine, or doctor in surgery :

	Francs
15 inscriptions cost 50 francs each . . . . .	750
16th, or last inscription . . . . .	35
5 examinations, 30 francs . . . . .	150
Fees upon thesis, &c. . . . .	165
	<hr/>
Total . . . . .	1,100

or 50 pounds.

“ The money thus received forms a general fund, from which the professors are paid their salaries. They receive no fees whatsoever from the students, to whom the lectures and hospitals are thrown open gratis.

“ The election of Professors to the several Faculties was, prior to the restoration of the Bourbons, determined by ‘ Concours,’ or a public trial of merit; a system still adhered to in the disposal of the minor offices. It is con-

ducted in the following manner:— When a vacancy occurs, the Dean of the Faculty summons a meeting of the professors, and they select from their body a committee, or jury, (as it is termed,) consisting of three, five, or twelve individuals, (according to the nature and responsibility of the vacant office,) who *swear* to act with impartiality as judges of the merits of the several candidates. Public notice being given of the Concours, on the appointed day the jury take their seats in the Amphitheatre of the Faculty, to which the public is indiscriminately admitted; and the candidates are placed in a separate apartment, from which they are not permitted to hold any communication with friends outside. The Concours open by each member of the jury placing a slip of paper containing a question in an urn. The questions are necessarily determined in some measure by the nature of the office to be disposed of: for instance, the Concours for the anatomical chair would be principally on anatomy, though by no means altogether confined to that subject; on the contrary, the whole range of medical science may be entered upon on these occasions. The questions being gathered in the urn, one is drawn, and the oldest candidate being introduced, is presented with it; he has a certain

number of minutes (varying from seven to fifteen) to deliberate and arrange his ideas; he is then required to speak upon it a certain number of minutes — twenty or thirty; a second candidate is introduced, and the same form is gone through with each successively. The trial is repeated on another day, when each is required to write upon a subject in the Latin language, without referring to books. Lastly, each is required to write a thesis within a given time, (a fortnight generally) and all on different subjects.

“ On the day for the examination of the theses they assemble as before. The senior candidate reads his thesis, and, as he does so, his assertions are disputed, and he is further examined on every possible subject connected with it; not by the jury, but by *his competitors*, whose interest it is to attack him on every weak point they can find, in order to put him ‘hors du combat.’ Each undergoes successively the same ordeal; and finally the jury publicly declares the successful candidate.

“ In the year 1822, the Faculty of Medicine of Paris was suppressed through political motives; and the election of professors by concours was discontinued when the Faculty was reorganised in the following year. A new office was then created, that of ‘Agrége,’ or

Fellow; their number is unlimited: twenty-four were appointed by the government in the first instance, and it is now determined to elect a small number annually, and by concours. When a vacancy takes place amongst the professors, the chair is now filled by the government electing an individual from the Agrégés to fill it.”—(*The Lancet*, vol. x. pp. 23—25.)

THE FACULTY OF PHYSIC ACCORDING TO LAW, IN CONTRADISTINCTION TO THE MONOPOLISTS, BY USURPATION, OF THE COLLEGE OF PHYSICIANS IN LONDON.

THE evils which we have traced to the constitution and proceedings of the College of Physicians in London are nearly as ancient as their existence; and a counter-association of the faculty, we find, was contemplated even as far back as a century and a half ago. In a pamphlet, entitled “A Corner-Stone laid towards the Building of a New College,” &c. by Adrian Huyberts, Physician, 1675, there is a notice of a “new society of physicians, *which so many of the nobility and prime gentry subscribed unto, as most necessary to be erected in 1665;*” but “the great plague then befalling this noble city, the design was for that time of necessity laid aside, though most of its members did stay in town, while *most of the colle-*

*giates ran away, except Dr. Wharton, and three or four of the novices."* (P. 19.) We have, in another place, shewn of what little use the College, from the smallness of their number, would have been to the suffering inhabitants of London upon that occasion, had all its members remained at their posts: whilst by taking flight, and by that circumstance, as well as by their injudicious directions, spreading universal terror and dismay, they produced much positive calamity.

The mischiefs incidental to this extraordinary domination have, as we have shewn, been augmenting for three centuries. Of an attempt of a regular and methodical kind, but upon a narrow and ignoble basis, which was made by the licentiates about thirty years ago, not against the monopoly, by usurpation, of the College of Physicians, but to be admitted, in a pitiful proportion, to a participation of it, we have already given some account. This attempt, if it had succeeded, it is obvious could have only had the effect of admitting a few of the leading licentiates into the fellowship, and of redressing, *pro tanto*, the grievances of that particular order, without in the smallest degree alleviating those of the public, of medical science, of the great body of the faculty, or of the universities; for by as many additional

members as the College might, in this manner, have been compelled to receive, they would, in order to preserve their monopoly, have assuredly limited the ordinary admissions into the fellowship. This attempt, therefore, when it failed, only met with the fate it merited.

The interesting question of the right of every medical graduate of a British university, *as such*, to exercise all the privileges of a physician in any part of the world, is now proposed to be tried under a new form, and according to the following principles : —

1. It has been shewn that, according to the charter of Henry VIII., and the act of parliament which confirms it, all medical doctors, all graduates, “ omnes homines ejusdem facultatis,” were, with Dr. Linacre, Dr. Chambre, &c., to be members of the College, without examination, limitation of number, distinction of ranks, or preference of universities.

2. It has been shewn that the powers of examining graduates, of limiting the number of physicians, of making a distinction of ranks, and of giving a preference to certain universities, were all assumed, in virtue of successive acts of usurpation, by the persons exercising authority in the College ; and it is manifest that their statutes to these effects are both contrary to reason and to the laws of the land.

3. It follows that the College of Physicians possess no right, derived from any valid source, or from any other source than their own statutes or by-laws, to the privileges which they exercise : — that they are, in effect, self-constituted monopolists.

4. It is evident that these self-constituted monopolists do not possess the right either to examine, or to prohibit from practice, any doctor of physic, any graduate of an university.

5. According to the statutes of the realm, the constitution of the universities, and the terms of their diploma, the doctors of physic, the graduates of universities, are the real and only physicians *according to law* ; and the pretensions of a body of self-constituted monopolists to examine or to restrain them from practice, are not only exquisitely ridiculous, but something infinitely worse.

6. It is manifest, on the contrary, that the College have not even the right of exercising any of the privileges of physicians themselves upon the grounds which they assume ; *i. e.* that they have no right even to practise physic, but as doctors or graduates of universities ; and that, if cited by the persons whom they style “ *alieni homines*,” to shew by what authority they exercise any of their assumed privileges



as monopolists, they might find it difficult to meet the inquiry.

7. All doctors of physic, therefore, all graduates of universities, *as such*, not only are of right (*ex debito*) entitled to exercise the privileges of physicians throughout the world, “ubique gentium,” and *à fortiori* in every part of the British dominions, but they are the only persons who are so entitled.

8. Doctors of physic, then, in submitting to exercise the rights of a physician under incorporation, as fellows, or under a license, as licentiates, from a body of self-constituted monopolists, are betraying their universities, degrading themselves, and acting under a spurious, instead of a legitimate title.

Is it not evident that, in submitting to re-examination by a *private* college, as if their universities were incompetent to judge of their medical fitness, both the fellows and the licentiates are in so far sacrificing the rights, the dignity, and the interests of their universities? Is it not evident that, in submitting to the injurious monopoly of this body, when they might by a single effort lay it open, they are conniving at, abetting, or promoting a violation of the interests of the public? That they are thus degrading themselves for the sake of a merely imaginary personal advantage, might

be also rendered obvious; for it might be shewn that even the fellows would derive more advantages, as physicians, from the restoration of the medical profession to a sound state, than they at present derive, as monopolists, from its unwholesome condition. Of the licentiates we have already sufficiently spoken. The universities of England and Ireland, as well as those of Scotland, are, according to this view of the subject, degraded, insulted, and injured by the acts and pretensions of the College. Those of Scotland are doubly insulted by the refusal of the fellowship, and by the re-examination. That the monopoly of the fellowship was directed principally against the graduates of Scotland, is clear from the period at which the by-law respecting it was enacted, viz. in 1752, when the universities of that country, especially that of Edinburgh, had, as to medical education, attained a very high degree of celebrity. And it will be regarded as not a little remarkable, that the College should have imagined that, by a mere by-law of their own, they should be able to set aside the provisions of the solemn act of union between the two kingdoms, passed half a century before. That act provides (art. iv.) “ that there be a communication of all rights, privileges, and advantages, which do or may belong to the subjects

of either kingdom; *except where it is otherwise expressly agreed in these articles.*" And that the universities were not excepted, appears clearly from art. 'xxv. § 3, wherein we find it ordained, " That the Universities and Colleges of Saint Andrews, Glasgow, Aberdeen, and Edinburgh, as now established by law, shall continue within this kingdom for ever."\* By what infatuation it has happened that the monstrous usurpation of the College of Physicians in London has never been formally resisted, either by the Scotch universities, or by their graduates, we do not pretend to explain; but if it was because the subject had not been illustrated so as to have been rendered generally intelligible, that ground of forbearance, we think, can no longer be pleaded in excuse. It is, indeed, curious to contemplate the tyros of the College of Physicians in London passing statutes, by which they are authorised to examine men of experience and distinction in the profession for a license, and by which their members are made liable to a large fine if they should degrade themselves by meeting in consultation with professors who had probably been their instructors. Under the former of these by-laws, the president of the Lincolnshire Benevolent Medical Society, a

\* 5 Anne, cap. 8.

physician of known ability and experience, and a graduate of Edinburgh, might have been examined by his own nephew, whom he had educated to the profession; and under the latter, any stripling of the College might refuse to meet in consultation with a Boerhaave, a Cullen, a Black, a Rutherford, or any of the most distinguished medical characters, not being of that body, either of the old or of the new world! It is high time that an end were put to all these mischiefs and absurdities; and if the graduates of universities, or "the faculty of physic according to law," will only assert their undoubted right, in the manner which is here pointed out, the thing is at once done. The remedy is completely in their own hands. On the injured and insulted universities it is also incumbent to contribute their enlightened aid towards the removal of the evil. Nor can we entertain a doubt that, at the present auspicious moment, the unquestionably laudable views here set forth will receive the ready and hearty concurrence and powerful co-operation of many able and benevolent non-professional men throughout the British dominions; from whose countenance "the faculty of physic according to law" will derive the highest gratification and pride. They come before them with the very striking advantages of the recorded experience of full three hundred years

of the immeasurable mischiefs of the monopoly, by usurpation, of the College of Physicians in London; and so demonstrative an appeal to their judgment, they feel assured, will not be made in vain.

Should it be asked, what necessity exists for the mode of proceeding now proposed, if the opinion be correct that the College will never again venture upon a prosecution, by which their usurped privileges would be liable to be called in question, and examined upon their proper merits; we answer, that the silent operation of the College monopoly is, under existing circumstances, infinitely more dangerous to all the interests which it affects, than any mode of prosecution could possibly be, which they might adopt.

It is by silence, stratagem, and management, in the absence of all active or united opposition, that the College are enabled, by watching their opportunity, to grasp every thing; and, if they repeatedly fail, they as often renew their attempts, until they at last succeed. It is thus that there is scarcely a place worth the acceptance which is not filled by a College-man. They have got possession of almost all the hospitals and other public institutions: and do not the great hospitals of London, in as far as medical and surgical attendance and patronage are concerned, par-

take largely of the system of jobbing and exclusion which distinguishes this monopoly? Do they not form a striking and mortifying contrast with the hospitals of foreign countries? Would not the quantum of the medical and surgical attendance at these institutions, and of the sums annually shared by the physicians and surgeons from the purses of the students, form fit objects of parliamentary inquiry? It is certain, that, but for the monopoly which we deprecate, none of these evils could have continued to be tolerated in an age and country of intelligence and inquiry. The attendance would have long ago been suited to the exigencies of the sick, rather than to the convenience of the physician or surgeon; and the hospitals would have been at all times open to the student, and to the public at large, without either fee or reward. At present, the whole system is, in these respects, lamentable, scandalous, and utterly disgraceful. "They order," said I, "this matter better in France."\*

The College of Physicians have besides got the superintendence, as we have seen by their own evidence, of all the mad-houses in and around the metropolis. But still they are by no means satisfied with the power and the profits which they do possess, and never will

\* Sentimental Journey.

be satisfied while there remains any place of profit, or emolument to be seized. Some few years ago, they attempted to procure a law, enacting that they should have the exclusive power to grant licenses to all the mad-houses throughout England; and that no physician, whether in town or country, who was not a fellow of the College, or one of their licentiates, who acquiesce in their supremacy, should have the privilege of signing a certificate of lunacy, or for any other purpose connected with the management of insane persons; *although such certificates might be signed by surgeons and apothecaries.* But this rapacious measure of monopoly and proscription was happily, for the time, defeated or fell to the ground. Yet no person will doubt, who is aware of the extraordinary inducements which the College notoriously have for endeavouring to bring the mad-houses in the country within their grasp, that this attempt will, as often as it is defeated, be again renewed, whilst their monopoly exists or is unresisted. Let us consider their inducements. In choosing medical attendants for those patients who can afford to remunerate the physician, is it not obviously the interest of the keepers of lunatic asylums to give a preference to the commissioners of the College? And if in some of the extensive asylums about

town they should, at every visit, have a fee of two guineas for each patient, whose circumstances can afford such an expense, it not being indispensable that such patient should absolutely require advice, would not this form a great and unjustifiable source of revenue to the commissioners? If there were, in a single establishment, six or ten patients of this description, the fee would, in such a case, be twelve or twenty guineas for travelling two miles. The interest which the keepers have in conciliating the commissioners, under such a system as the present, will readily suggest the expediency of such an understanding. We would seriously ask the commissioners and their secretary if they have never received fees of this description in the course of their visitations? In the ratio of the number and population of these institutions would be the emoluments of the commissioners of mad-houses: and is it not unquestionably their interest that lunatic asylums should be indefinitely multiplied throughout the land? The present state of things is sufficiently melancholy. But if the same system were also extended to the country, what a prodigious increase of places and of profit to the fellows of the College, and of insanity throughout the land, would be the immediate consequence! How many sound in-



telleets would be brought into question ! And how many doubtful cases would be confirmed ! Yet the College will perhaps have the modesty gravely to assure us, that the extension of their own power over the medical affairs of the counties would be the only effectual method of suppressing ignorance and imposture, and of preventing the increase of insanity throughout the land !

According to another plan, fellows of the College, with a salary, were to be sent to reside at particular points in the country, as district physicians, whose license should be necessary to enable physicians, not of the College, to practise physic ; and who should have the superintendence of all practitioners, and the examination of all drugs, within their several jurisdictions. What a fertile source was here brought into view, of influence, of power, and of profit to themselves, and of calamity to the public ! But this precious scheme was also frustrated, partly by the just representations of the country practitioners, and partly by the palpable monstrosity of the project. Let us, coolly if we can, consider what would have been some of the most prominent results of the success of this measure. An absolute medical potentate, invested with the most complete despotic power, would have been stationed in

every district: all the subordinate members of the different branches of the profession would have been his slaves or vassals, and the people his milch-cows. The project of command over the lunatic asylums, as connected with the supervisorship of the districts, was one of absolute wisdom; for the union of both in the same hands would infallibly cause the business of each to prosper; the number of physicians, already too limited in the country, would have been limited still more; the discord and disproportion previously existing between the various branches of the profession would have been augmented; and the public would, in sickness, have assistance of a worse kind, and at a greatly enhanced expense. Such would infallibly have been the results of the extension, in the same degree, to the country, of that artificial and forced state of the medical profession, which, we have seen, had produced all these effects in the metropolis. But the College and their district physicians would have proportionably benefited; they would have been greatly enriched. Besides jobs without end, the College treasury would have derived immense funds, in the first instance, from the examination fees of all the unincorporated physicians settled in the country, who would be obliged to appear, upon citation, at the

head-quarters of their district collegiate commandants.

From the degradation, inconvenience, and expense of such a superfluous ordeal as the re-examination of graduates of universities, by persons who are no more than graduates of universities, the physicians of the country have hitherto been almost miraculously preserved; and his majesty's subjects beyond the seven mile stone have escaped, in part, the calamities consequent upon the medical constitution described, which the inhabitants of the metropolis have for ages been doomed to endure in full measure. But let not country physicians, or the inhabitants of the counties, imagine, that unless they bestir themselves in an affair which so intimately concerns them, they will always remain so fortunate; for whilst the College of Physicians in London exists as a monopoly, or until they are efficiently restrained within their proper functions of the verification and registration of diplomas, they will always, we may be assured, be ready to avail themselves of every opportunity to extend their power and privileges, without regarding, or being perhaps aware of, the immense injury to the public which results from their operation. For these reasons, it is more especially incumbent on the physicians settled throughout the counties of

England, who owe no allegiance to the College, to concur for the salutary purposes which have been described in these pages; viz. not only to resist the further attempts at encroachment which the College will never relinquish but with their corporate existence, but to effect the full restoration of those rights and privileges which they have already usurped or invaded.

The fellows as well as the licentiates are understood sensibly to feel that medical practice is fast passing away from them; that it is getting into the hands of the surgeons and surgeon-apothecaries: and they must be aware that, unless some efficient means be adopted for arresting the progress of the evil, they will soon lose the whole. Were they themselves the only parties concerned, we confess we should not feel the smallest regret for this circumstance; and, were they obliged, for the preservation of their livelihood, to become surgeons or surgeon-apothecaries, or general practitioners, we should regard it but as the just punishment of the insolence and arrogance of the one, and of the submissiveness and supineness of the other. But, as the public would essentially suffer from any diminution of an already much too scanty portion of medical aid of the proper kind, we should deeply deplore

such a result. The only efficient remedy which we can discern for this evil, short of the abolition of the exclusive privileges of all the branches of the medical profession, is, that the College of Physicians should spontaneously, or by compulsion, set wide open their doors to all graduates of universities, without either the indignity of an examination, or the plunder of exorbitant fees. But this is a measure which the pride and false notions of the collegiates will never permit them spontaneously to adopt. On the contrary, it is more than probable that they will seek to meet this exposition of their monopoly, which there is reason to believe they know to be in preparation, and at the same time to replenish their empty coffers, by the expedient of admitting surgeons, surgeon-apothecaries, or general practitioners, as licentiates, under a sham examination, or without any examination at all. “They’ll meet us with by-laws.” Manœuvres of this kind, however, can no longer impose upon any one. If, upon emergency, they should *seem*, for a moment, to half open the wicket of their monopoly, the emergency being past, could they not “bid a (new) by-law start,” and shut it as close as ever? And what other purpose than to delude would this stratagem serve? If the College were to admit as licentiates, as they

did before, persons who are not graduates of universities, in what respect would this benefit the community? Would *Mr. A.*, licentiate, be a better practitioner than *Mr. A.*, surgeon-apothecary? *Our* objections are to the principle, no less than to the operation,—to the whole, and to every part of this learned monopoly; but more especially to persons acting as physicians under any other authority than that of their universities. The means by which the usurpations of the College may be successfully resisted, and the grounds upon which the graduates of universities may, *as such*, freely exercise their rights as physicians, have been already fully explained. And if to this creditable assertion of rights, graduates in physic, who are the only “*homines facultatis*,” (for the College are doctors *in virtue of their diplomas only*, and cannot, as a College, confer a degree,) should still prefer exercising their privileges under by-laws, with which they have no means of becoming acquainted; if they should prefer a spurious to a legitimate title to practise physic; if they should prefer sacrificing their own personal and professional dignity, and that of their universities, by submitting to the degradation of a re-examination by a *private college*, which cannot even confer a degree; if they should prefer acting as learned mono-

polists, or the learned underlings of learned monopolists, to the legal assertion of the principles of entire freedom of emulation, and unrestrained competition in medicine; if they should prefer paying a heavy tax as fees, besides an annual sum towards defraying the expense of a large and useless establishment,\* to a trifling charge for verifying and recording their diplomas; if they should prefer a smaller and less certain income, as monopolists, or the underlings of monopolists, to a larger and more certain one, as graduates of universities; if they should prefer the present artificial, forced, discordant, disproportionate, and fluctuating state of the different branches of the medical profession, to their restoration to a permanently healthy condition; if they should prefer, with a lesser benefit to themselves, the continuance of a treble charge to the public as a tax upon sickness, as well as of all the other grievances connected with this singular monopoly: then must we regard the taste of these doctors of physic as of a very extraordinary kind.

But believing all this to be impossible, we

\* To the support of this establishment, the fellows, we are informed, contribute each a certain sum annually, under the name of a *voluntary* donation, whilst the penalty of not contributing is ineligibility to any of the numerous places of emolument in the gift of the College.

conclude with repeating our recommendation, that until the College of Physicians shall have spontaneously surrendered their usurped privileges, or the legislature shall have passed new laws to regulate the medical profession, the doctors of physic throughout the British dominions should unite for the purpose of asserting their undoubted right, *as such*, freely to exercise all the privileges of a physician, as members of “*THE FACULTY OF PHYSIC ACCORDING TO LAW*,” *in contradistinction to the monopolists, by usurpation, of the College of Physicians in London.*

THE END.













